

CITY OF WESLACO

PLANNING & CODE ENFORCEMENT DEPARTMENT

*****NOTE: PROCESSING TIME TAKES ABOUT FIVE BUSINESS DAYS*****

THE FOLLOWING IS REQUIRED AS PART OF THE APPLICATION:

_____	Completed & Notarized Application	_____	Letter of Authorization from business
_____	Copies of TX DL or ID's of 4 - 7 people assisting	_____	**Letter must be on Business Letter Head
_____	Proof of Non-Profit Status	_____	Processing fee (\$75) Non-refundable
_____	Letter of Intent/Purpose for fundraiser	_____	Receipt # _____

THIS PART FOR OFFICE USE ONLY

Police Chief
 Fire Marshal
 City Attorney
TO: City Health Official _____

BL# _____

FROM: Planning/Code Enforcement Office _____

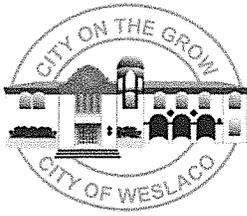
SUBJECT: Itinerant Vendor _____

DATE SUBMITTED: _____, 20_____

Please review the attached application and submit your comments to the P/CE Department as soon as possible. Should you have any questions, please call (956) 447-3401.

**THIS SECTION FOR
P/CE ONLY
DATE RECEIVED**

Route Date/Initial	STAFF RESPONSES
	POLICE CHIEF SIGN/DATE:
	FIRE MARSHAL SIGN/DATE:
	CITY ATTORNEY SIGN/DATE:
	CITY HEALTH OFFICIAL SIGN/DATE:



ITINERANT VENDOR APPLICATION

FILE NO. _____

***** **NOTE TO VENDORS: PROCESSING TIME TAKES ABOUT FIVE BUSINESS DAYS** *****

NAME: _____ PHONE: _____

D.O.B.: _____ D.L.# _____

PERMANENT ADDRESS: _____

PLACE OF RESIDENCE OF APPLICANT FOR FIVE (5) YEARS PRECEDING THE DATE OF APPLICATION: _____

NAME & PHONE OF COMPANY, FIRM OR ORGANIZATION REPRESENTING: _____

ADDRESS OF COMPANY OR ORGANIZATION: _____

NAMES OF ALL PERSONS ASSOCIATED WITH BUSINESS: 1) _____

2) _____ 3) _____

4) _____ 5) _____

6) _____ 7) _____

TYPE OF BUSINESS FOR WHICH THE LICENSE IS DESIRED: _____

GENERAL DESCRIPTION OF THINGS TO BE SOLD: _____

LENGTH OF TIME FOR WHICH LICENSE IS DESIRED: _____

NAMES (INCLUDING STATE AND COUNTY) OF THE LAST PRECEDING CITIES OR TOWNS, IN WHICH SELLING OPERATIONS WERE CONDUCTED.

***** NOTE TO VENDORS: PROCESSING TIME TAKES ABOUT FIVE BUSINESS DAYS *****

IN CASE OF MOBILE VENDORS WRITTEN PERMISSION FROM OWNER OF RECORD OF THE PROPERTY ON WHICH THE USE IS TO BE LOCATED: _____

PROOF OF LIABILITY INSURANCE: _____

REFERENCES: (BANKS, INSPECTION AND APPROVAL AGENCIES, ETC.) _____

I, hereby swear (under oath) that I have (have not) been sued in a civil or criminal proceeding in a duly constituted court of law of any form of fraud, theft or embezzlement, and swear to my knowledge the person, partnership, firm association, corporation or other business entity that I represent, has (has not) been convicted in a court of law of any form of fraud, theft or embezzlement.

Applicant Signature

NOTARY

Sworn and subscribed before me at Weslaco, Texas, this the _____ day of _____, 20____

Notary Public is and for Hidalgo County, Texas

My Commission Expires: _____

SANITARY REQUIREMENTS FOR ORGANIZATIONS
DOING A ONE DAY BAR-B-QUE FOR FUNDRAISER
FOOD OR FRUIT STAND

The City of Weslaco Health Department has released the following guidelines for persons or organizations planning to operate temporary food or drinking stands:

1. All potentially hazardous foods (milk products, eggs, meats, poultry fish, shellfish, etc.) must be maintained at an internal temperature of 45° or below when stored in cold storage and 140° or above when stored in hot temperatures at all times.
2. Adequate equipment must be provided to maintain potentially hazardous foods at required temperatures.
3. All potentially hazardous foods must be protected from potential contamination, including dust insects, rodents, unclean equipment and utensils.
4. A hair restrainer must be used by all food handlers such as hair nets, hats, scarves, etc.
5. Minimize the handling of all foods by using utensils, plastic gloves, etc.
6. All equipment and utensils must be properly washed and sanitized after it is used.
7. Do not store or place anything in ice that will be used for human consumption. An ice scoop must be provided for handling the ice.
8. Good personal hygiene practices must be followed.
9. A waste receptacle must be provided with a tight cover lid and must be kept covered when not in constant use.
10. Only authorized personnel must be permitted to handle all foods.
11. Enough potable water with a sanitizing solution shall be available for hand washing.
12. Sufficient clean water with some chlorine must be available for rinsing any utensil or equipment when necessary.
13. The grounds shall be kept clear of any vegetation.

ORDINANCE NO. 2008-04

AN ORDINANCE AMENDING ORDINANCE 96-14, THE CITY OF WESLACO GARAGE, PORCH AND YARD SALES ORDINANCE TO ALLOW A GARAGE, PORCH OR YARD SALE ON AN UNIMPROVED LOT ZONED SINGLE FAMILY RESIDENTIAL, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, THAT:

SECTION I:

Ordinance 96-14, The City of Weslaco Garage, Porch and Yard Sales Ordinance, passed and approved on August 6, 1996 and codified as Section 21-1 in the current City of Weslaco Code of Ordinances is hereby amended to allow garage, porch or yard sales in unimproved lots zoned single family residential so that after second and final reading of Ordinance No. 2008-04, Codified Section 21-1 shall read as follows

Sec. 21-1. Garage, porch, and yard sales.

(a) *Definitions:*

Garage, porch, and yard sale shall mean a sale of merchandise, whether new or used from any residence located in any single-family residential or duplex and apartment zoning classification or in an unimproved lot zoned single family residential provided the person conducting the garage, porch or yard sale has written permission from the owner of the property.

(b) *Permit.* The owner or occupant of a house or unimproved property in any of the zones described above before conducting a garage, porch or yard sale shall obtain a permit from the code enforcement division of the city, which shall enforce such permit. The Weslaco Police Department shall also assist in the enforcement of this section.

(c) *Cost.* The cost for the permit described above shall be five dollars (\$5.00).

(d) *Limit.* The owner or occupant of such property wishing to conduct thereon a garage, porch or yard sale shall be limited to four (4) permits per calendar year, each of such permits to cover a period of time not to exceed three (3) consecutive days.

(e) *Unauthorized sales.* It shall be unlawful for the owner or occupant of such premises to conduct thereon a garage, porch, or yard sale without having first obtained the permit described above.

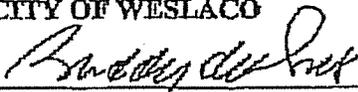
(f) *Advertisement.* It shall be unlawful for the owner or occupant of such premises to place to cause to be placed any signs advertising such sale on any utility poles or public rights-of-way.

(g) *Penalties.* Anyone who violates this section shall, upon conviction thereof, be fined in any amount of fifty dollars (\$50.00).

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 15th day of January, 2008.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 5th day of February, 2008.

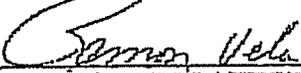
CITY OF WESLACO


Buddy de la Rosa, MAYOR

ATTEST:


Amanda C. Elizondo, CITY SECRETARY

APPROVED AS TO FORM:


Ramon Vela, CITY ATTORNEY

ORDINANCE 2000-27

AN ORDINANCE REPEALING CODE OF ORDINANCES CHAPTER 21 ARTICLE I & II ENTITLED PEDDLERS, SOLICITORS, AND ITINERANT VENDORS OF AN ORDINANCE PASSED AND APPROVED ON MARCH 7, 1942; EXCEPT FOR CODIFIED SECTION 21.5; AND AMENDED BY ORDINANCE NO. 350 PASSED AND APPROVED ON NOVEMBER 7, 1961; AND AMENDED BY ORDINANCE NO. 86-30 PASSED AND APPROVED ON AUGUST 5, 1986 AND CODIFIED AS SECTIONS 21-1, 21-2, 21-3, 21-4, 21-4, 21-14, 21-15, 21-16, 21-17, 21-18, 21-19, 21-20, 21-21, 21-22, AND ENACTING THIS ORDINANCE PROVIDING FOR A NEW CHAPTER 21, SECTION 21-1; THAT PROVIDES FOR NEW REGULATIONS AFFECTING PEDDLERS, SOLICITORS MOBILE VENDORS; BY PROVIDING NEW DEFINITIONS OF WORDS AND TERMS CONTAINED HEREIN; PROVIDING FOR APPLICATION REQUIRED; PROVIDING FOR APPLICATION AND ISSUANCE; PROVIDING FOR LICENSE NOT TRANSFERRABLE; PROVIDING FOR LICENSE SHALL BE CARRIED; PROVIDING FOR LICENSE REQUIREMENTS; PROVIDING FOR PRACTICES PROHIBITED; PROVIDING FOR NON - PROFIT CHARITABLE ORGANIZAITONS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR REVOCATION; PROVIDING FOR DURATION; PROVIDING FOR EXCLUSION BY RESIDENTS; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER MATTERS RELATED TO THE SUBJECT HEREOF.

BE IT ORDAINED BY THE CTY COMMISSION OF WESLACO, TEXAS AS FOLLOWS:

Section I

Ordinance of March 7, 1942; except for codified section 21.5; Ordinance No. 350 passed and approved on November 7, 1961; Ordinance 86-30 passed and approved on August 5, 1986 and now codified as chapter 21 sections, 21-1, 21-2, 21-3, 21-4, 21-14, 21-15, 21-16, 21-17, 21-18, 21-19, 21-20, 21-21, 21-22, in the Weslaco Code of Ordinances are hereby repealed to provide for a new chapter 21 providing for new regulations affecting peddlers, solicitors and mobile vendors; by providing new definitions of words and terms contained herein; providing for application requirements; providing for applications and issuance; providing for license issuance; providing for license not transferable; providing for license shall be posted; providing for practices prohibited; providing for Non-profit charitable organizations; providing for exceptions; providing for revocation; providing for duration; providing for exclusion by residents; providing for penalty and fines; and providing for severability; so that after second and final reading of Ordinance No. 2000-27 Chapter 21. Section 21.1 Peddlers, Solicitors, Mobile vendors shall read as follows:

Chapter 21 §21.1 PEDDLERS, SOLICITORS, MOBILE VENDORS

Section 1. **DEFINITIONS.** For the purpose of this Section the terms defined in this subsection have the meanings ascribed to them.

1. **Peddler**-means any person with no fixed place of business who goes from house to house, from place to place, or from street to street, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sale sales and deliveries to purchaser.
2. **Solicitor**-means any person who goes from house to house, from place to place, or from street to street soliciting or taking or attempting to take orders for any goods, wares, or merchandise, including books, periodicals, magazines, or personal property of any nature whatsoever or future delivery. "Solicitor" does not include any person taking or attempting to take orders to be filled by goods, wares, or merchandise delivered to the purchaser from other states.
3. **Mobile Vendor**-A vendor whose wares are set up temporarily on an occupied property whose owner has agreed in writing to allow access to bathroom facilities and parking as required by the business generated by the mobile vendor. A vendor shall be considered "mobile" if the structure used to vend goods is capable of being removed from the site on a daily basis. A snow cone stand or roasted corn stand used seasonally, which is not built on-site, maybe, considered mobile if it contains provisions such as wheels or a hitch by which to remove the structure. Tent structures used for temporary or seasonal sales shall also be included.

Section 2. **APPLICATION REQUIRED.** No peddler, solicitor, or mobile vendor shall sell or offer to sell any goods wares or merchandise within the City of Weslaco unless a license therefore shall first be secured as provided in this section.

Section 3. **APPLICATION AND ISSUANCE.** Application for such license shall be made to the City's Planning Department on a form supplied by the City. The application shall state:

1. The name, address of applicant, and all persons associated with him/her in his/her business. (Proof of ID. required)
2. The type of business for which the license is desired.
3. In case of mobile vendors written permission from the owner of record of the property on which the use is to be located.
4. If the selling activity involves the use or operation of a motor vehicle, the applicant shall also file proof that such business entity has in force a policy of liability insurance insured by an Insurance Company issued by the State of Texas with a minimum policy in effect of One Hundred Thousand Dollars (\$100,000).
5. The length of time for which the license is desired.

6. A general description of the things to be sold.
7. The place of residence of the applicant for the five (5) years preceding the date of application

The blank applications shall be issued on a non-refundable payment of fifty dollars (\$50.00), which amount shall not be credited on the license fee if the license is granted. Every application shall bear the written approval of the Chief of Police after an investigation of the moral character of the applicant is conducted. The completed application shall be presented to the City's Planning Department for its consideration and if granted, a license shall be issued upon payment of ten dollars (\$10.00).

Section 4. **LICENSE NOT TRANSFERABLE.** License issued under the provisions of this section shall not authorize any person or persons, except the identical person or persons named in said license to engage in business thereunder, and such license not be transferable.

Section 5. **LICENSE SHALL BE CARRIED.** Every person licensed under this section shall have with him/her while engaged in such business the license received by him/her from the city and shall produce the same at the request of any city official or at the request of any individual within the City of Weslaco to whom he/she is exhibiting his/her goods or selling or attempting to sell same.

Section 6. **LICENSE REQUIREMENTS.** All vendors who wish to market their wares in Weslaco for a temporary time must meet the following requirements.

1. NO VENDING WILL BE ALLOWED FROM A VACANT LOT OR ANY STREET RIGHT OF WAY EASEMENT, SIDEWALK OR ALLEY.
2. NO VENDING WILL BE ALLOWED ON FM 88 (TEXAS BLVD) RIGHTS OF WAY BETWEEN THE CITY LIMITS.
3. ALL MOBILE VENDORS SHALL OPERATE WITH EQUIPMENT AND/OR DISPLAYS THAT CAN BE ENTIRELY REMOVED FROM THE SITE AT THE END OF EACH DAY OF OPERATION.
4. ALL MOBILE VENDORS SHALL HAVE PERMISSION FROM THE OWNER OF RECORD OF THE PROPERTY WHERE AN ALREADY ESTABLISHED LEGALLY CONFORMING BUSINESS USE EXISTS TO ALLOW THE VENDORS TO SHARE PARKING AND RESTROOM FACILITIES PROVIDED AND MAINTAINED BY THE MAIN BUSINESS USE ON LOT AND BOTH BUSINESSES MUST CONTINUE TO BE IN COMPLIANCE WITH ALL CITY HEALTH CODES AND ORDINANCES.
5. THE CODE ENFORCEMENT DEPARTMENT (AND OTHER DEPARTMENTS AS NECESSARY) SHALL INSPECT THE SITE FOR COMPLIANCE TO NORMAL REGULATIONS SUCH AS HEALTH REQUIREMENTS FOR A FOOD VENDOR, AND PARKING REGULATIONS FOR THE SITE. SUCH DEPARTMENT SHALL ISSUE CITATION AND SUMMONS AS NECESSARY FOR ANY VIOLATION OF ANY SECTION OF THIS ORDINANCE.

Section 7. **PRACTICES PROHIBITED.** No person licensed under the provisions of this section shall, within the City of Weslaco call attention to his/her business nor to the goods, wares or merchandise which he/she is selling or offering for sale by crying them out, by blowing horn, by ringing a bell or by any loud or unusual noise.

Section 8. **NON-PROFIT CHARITABLE ORGANIZATIONS.** This section exempts non-profit charitable organizations from both application and license fees based on written proof and verification of non-profit status, which must be filed with the City's Planning Department by an authorized representative of the organization.

Section 9. **EXCEPTIONS.** This ordinance shall not apply to sales made by commercial travelers or selling agents in the usual course of business with bona fide dealers, nor bona fide sales or articles by sample for delivery at a future date, nor sales conducted pursuant to statute or

by order of any court nor a bona fide auction sales conducted by an auctioneer duly licensed under the statute or by order of any court nor to bona fide auction sales conducted by an auctioneer duly licensed under the statutes of the state of Texas or to persons selling or peddling the products of the farm or garden cultivated by him/her.

Section 10. **REVOCAATION.** Any license, issued under the provisions of the section, shall be subjected to revocation by the city planning department (and other departments as necessary), upon satisfactory proof of a violation of the provisions of this section by such licensee, provided, however, that such licensee shall be given notice of such proposed revocation.

Section 11. **DURATION.** No license shall be issued or granted for more than a 3-day continuous period. Applicants including non-profit charitable organizations may renew license monthly. In the event special circumstances should arise requiring additional licenses to be issued to the applicant monthly, such applicant upon approval by the City Planning Department and the City Commission, may receive an exemption to this section in writing allowing for the issuance of an additional license which shall be secured following the specifications set forth in this ordinance.

Section 12. **EXCLUSION BY RESIDENTS.** Any resident of the city who wishes to exclude peddlers or solicitors from premises occupied by him/her may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "peddlers and solicitors prohibited". Such placard shall be at least 3 3/4 inches long and 3 3/4 inches wide and the printing thereon shall not be smaller than 48-point type. No peddler shall enter in or upon any premises, or upon any premises, where placard or sign is placed and maintained. No person other than the person occupying such premises shall remove, injure or deface such placard or sign.

Section 13 **PENALTY:** Any person firm or corporation violating any provision of this ordinance shall be fined not less than two dollars (\$2.00) nor more than two hundred dollars (\$200.00) for each offense.

Section 14 **SEVERABILITY.** The provisions of this ordinance are severable. If any part of this ordinance is held to be invalid by a court of competent jurisdiction the remaining provisions of this ordinance shall remain in full force.

Section II

This Ordinance and the provisions hereof shall become effective on the day this Ordinance is passed on second and final reading.

PASSED and **APPROVED** on the first reading by the City Commission of the City of Weslaco, Texas this the 30th day of August 2000;

PASSED and **APPROVED** on the second and final reading by the City Commission of the City of Weslaco, Texas this the 6th day of September 2000.

CITY OF WESLACO

Gene Braught
Gene A. Braught, Mayor

ATTEST:

Amanda C. Elizondo
Amanda C. Elizondo, City Secretary

APPROVED AS TO FORM:

Ramon Vela
Ramon Vela, City Attorney