

Ordinance amending the Corpus Christi Code of Ordinances Chapter 38 Article I, to add specific regulations for mobile food vendors, update definitions, applicability, modify permit application requirements, increase insurance requirements, provide for location licenses and fees, eliminate bond requirements, modify permit fees, add permit suspension criteria, add causes for permit denial or revocation, modify appeal procedures, update regulations for vendors, sidewalk vending, special event vending, street vending, park and beach vending and private premise vending, authorizing a Pilot Program for vending; amending Corpus Christi Code of Ordinances Chapter 10 Section 10-68 to include mobile food vendors and eliminate non-stationary vending; providing for severance; providing for publication; and providing for effective date.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS that:

SECTION 1: The Corpus Christi Code, Chapter 38, Article I, entitled "IN GENERAL," is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

Chapter 38 - PEDDLERS, VENDORS, MOBILE FOOD VENDORS, ITINERANT
MERCHANTS AND SOLICITORS^[1]
ARTICLE I. - IN GENERAL^[2]

Sec. 38-1. - Purpose and findings.

(a) The city council of the City of Corpus Christi, Texas, makes the following findings:

- (1) Vendors, mobile food vendors, peddlers, commercial solicitors and itinerant merchants engage in legitimate and honorable commercial activities which enhance the convenience of the consuming public and promote an active and healthy economic environment.
- (2) The nature and characteristics of such commercial activities require the reasonable regulation of the time, manner and place of such activities.
- (3) The streets, sidewalks and other public ways and recreational areas are primarily to promote the smooth flow of vehicular and pedestrian traffic and public leisure activities.
- (4) The reasonable regulations enacted hereby do not prohibit or inhibit free expression of religious, political or other ideas and beliefs, but regulate commercial activities and conduct for the below expressed public purposes.
- (5) The regulations herein applicable to interstate commerce transactions are not ~~overburdensome~~ over burdensome but are merely measures which are necessary to protect the public health, safety and welfare, and it is the definite

intent of this council to promote, preserve and protect free enterprise and interstate commerce.

- (b) The purpose of this article shall be to accomplish the following objectives through the reasonable regulation of vendors, mobile food vendors, peddlers, itinerant merchants and commercial solicitors in and upon public streets, sidewalks, parks, beaches and other recreational areas and of outdoor and transient commercial activities:
- (1) Protect the public health, safety and welfare and promote the use and enjoyment of public parks, beaches and other public recreation areas in an attractive environment.
 - (2) Promote smooth and safe flow of vehicular and pedestrian traffic and avoid urban congestion.
 - (3) Enhance and protect the quality and attractiveness of the environment.
 - (4) Protect the use and enjoyment of the people in their homes and private businesses.
 - (5) Protect the public from fraudulent, illegal, unsafe or unhealthful commercial activities, products and services.
 - (6) Preserve the character and quality of residential, recreational, commercial and business areas and property.
 - (7) Promote and enhance the quality of commercial activities within the city.

Sec. 38-2. - Definitions and construction.

- (a) As used in this article, the following definitions shall apply:

- (1) Bay-front seawall shall mean the protective retaining wall running along the shore of Corpus Christi Bay and along Shoreline Boulevard from Buford Street to the entrance ramp to the barge dock, including the sidewalk thereon.
- (2) Business shall mean any marketing activity conducted for the sale or rental of goods or services for private profit on any premises in this city.
- (3) City shall mean the City of Corpus Christi, Texas, or where the context indicates, the city manager or his designated representative or other authorized representative of the city.
- (4) Commercial Printed Matter means any printed or written matter whether on a sample, device, circular, leaflet, pamphlet, paper or booklet or whether printed, reproduced or copied of any matter or literature which advertises for sale any merchandise, product, commodity, or services; or
 - (A) Directs attention to any business, or commercial establishment, or other activity for the purpose of either directly or indirectly promoting sales;
 - (B) Directs attention to or advertises a meeting, performance, exhibition, or event for which an admission fee is charged or a collection is taken to defray expenses;or

(C) While containing reading matter other than advertising matter, is predominately and essentially an advertisement and is distributed or circulated for advertising or for the private benefit and gain of any person so engaged as the advertiser or distributor.

(5) Commercial solicitor shall mean any person without a permanent business establishment within the city who takes or offers to take orders for the future delivery of any goods or services by means of going upon private premises from house to house or place to place, without the prior expressed request or consent of the owner or occupant thereof.

(65) Home Solicitation means the business of soliciting, selling, offering for sale, renting or offering for rent or taking orders for goods or services or distributing commercial printed matter by means of going on private premises from house to house, including apartment homes and other multi-family housing, without the prior expressed request or consent of the owner or occupant thereof.

(7) Itinerant merchant shall mean any person without a permanent business establishment within the city who engages in a temporary business of selling, offering for sale, renting or offering for rent any goods or services from a permanent, established structure. Temporary association with an established resident business or person shall not excuse any itinerant merchant from the terms of this article.

~~(86)~~ Local youth organization means an organization that meets all of these requirements: (i) is a charitable or nonprofit entity, or a public or private primary or secondary school, or a program unit authorized by any such school (such as a band, athletic team, student club, etc.); and, (ii) which raises funds for the organization by predominantly using children; (iii) has not been accused by any law enforcement agency of fraud, child labor law violations, or other crime against residents in the course of soliciting. All local youth organizations must have a physical address in City of Corpus Christi.

~~(97)~~ Mobile food unit means a food establishment contained within a motor vehicle or a trailer capable of being mounted on a motor vehicle, stand, cart, craft, or other equipment or device for the purpose of parking or stopping briefly for selling food and beverages directly from the vehicle, trailer, stand, cart, craft, or other equipment or device to customers who approach the unit. Mobile food unit does not include a converted storage/shipping container or other similar structure.

(10) Mobile food vendor means a vendor who specifically engages in the business of selling or offering for sale food and beverages directly from a mobile food unit in or upon any public street, alley, sidewalk, park, beach or any other public way or premises or from, in or upon any private premises.

(11) Panhandle means the employment of the spoken, written or printed word or other acts as are conducted in the furtherance of the purpose of immediately collecting money or any other item of value for the use of one's self or others.

(128)—Peddler shall mean any person without a permanent business establishment within the city who sells, offers for sale, rents or offers for rent any

goods or services by means of going upon private premises from house to house or place to place, without the prior expressed request or consent of the owner or occupant thereof, and who makes delivery at or near the time of any such transaction.

(139).—Permanent business establishment means a building or part of a building or space within a building owned or occupied for use in the operation of an on-going commercial or industrial enterprise which has been or is intended to be conducted for more than forty-five (45) days and for which use a certificate of occupancy has been issued by the city.

(140).—Person shall mean any individual, firm, company, corporation, organization, partnership, association or other legal entity.

(154).—Tourism/leisure activities means endeavors which encourage and or accommodate recreational use and enjoyment of the bayfront seawall area by tourists and members of the community.

(16). Vending unit shall mean any vehicle, stand, cart, craft, or other equipment or device, except a mobile food unit, -used by a vendor for the storage or display of goods for sale or rent or in the actual rendering of services. Vending unit does not include a converted storage/shipping container or other similar structure.

(172).—Vendor shall mean any person who engages in the business of selling, offering for sale, renting or offering for rent and delivering from stock at or near the time of sale or rental any goods or services from any vehicle, cart, stand, or other equipment or device or from his person, from, in or upon any public street, alley, sidewalk, park, beach or any other public way or premises or from, in or upon any private premises; and outside a permanent, established structure.

(b) The following rules of construction shall apply to this article:

- (1) The term "shall" is mandatory. The term "may" is discretionary.
- (2) The singular shall include the plural and the plural shall include the singular where indicated by the context.
- (3) The masculine gender shall include the feminine and the feminine gender shall include the masculine.

Sec. 38-3. - Applicability; affirmative defenses.

This article shall not apply to the following persons, businesses or conduct or under the following conditions; provided, however, that it shall not be necessary in the prosecution of any violation of this article to negative any of such exceptions or exemptions herein expressed; but the pleading and proof of the same shall be an affirmative defense in any such prosecution:

- (1) Persons or operations holding a certificate of registration from the city secretary as charitable solicitors under the provisions of article II, Unlawful Solicitation, of this chapter.
- (2) Auctions or auctioneers licensed under the provisions of chapter 8 of this Code.

(3) Persons or operations permitted at or upon the premises or property of the Corpus Christi International Airport under the authority and provisions of chapter 9 of this Code.

(4) Persons or operations permitted at or upon the premises or property of the Corpus Christi Marina under the authority and provisions of chapter 12 of this Code.

(54) Newspaper vending machines upon any sidewalk or sidewalk area along any arterial or collector street; provided, however, that such newspaper vending machine operations shall comply with the following:

- a. No such vending machine shall be located in such a way as to create a safety hazard or impediment to pedestrian or vehicular traffic.
- b. No such vending machine shall be located within twenty (20) feet of any intersection.
- c. Such vending machines shall be confined to an area extending no more than two (2) feet into any sidewalk walkway.
- d. Such vending machine vendors shall notify in advance the record owner of adjoining property of the placement of any such vending machine.
- e. Such vendors shall at all times keep the area of every such vending machine free of litter and trash.
- f. Such vending machines shall be maintained in first-class working condition and shall be kept currently stocked with publications.
- g. Such vending machines shall be free from all advertising except that which identifies the publication.
- h. Such vendors shall, prior to installation, submit to the city building division proof of adequacy of wind design capacity of the anchoring system for each such vending machine to show that such system is consistent with the hurricane precautions required by the Corpus Christi Building Code.
- i. By placement of any such vending machine, the vendor agrees to hold harmless the City of Corpus Christi, Texas, from any and all claims or causes of action for damages whatsoever which might arise either solely or in part from placement of such vending machine, and an indemnity agreement shall be executed between such vendor as indemnitor and the city as indemnitee to effectuate such agreement. Every such vendor shall maintain on file in the city secretary's office a certificate of insurance evidencing public liability insurance in the amount of one million dollars (\$1,000,000.00) naming the City of Corpus Christi, as an additional insured and providing that no cancellation of such policy of indemnity insurance shall be effective without prior written notice to the city.
- j. Every such vendor shall maintain an agent in Corpus Christi, Texas, who may be reached at a listed telephone number during normal business hours to receive and handle complaints and respond to inquiries. The name, address

and local telephone number of such agent shall be filed with the office of the city secretary.

- (65) Ordinary commercial travelers or salesmen, transacting business only at wholesale or with dealers in such goods or in goods or services for use in other manufacturing or commercial purposes.
- (76) Sales conducted pursuant to statute or by order of any court.
- (87) Persons or transactions associated with bona fide trade shows, exhibits, expositions or conventions where all transactions of purchase, sale or exchange are made in connection with such trade show, exhibit, exposition or convention and within the confines of the said trade show, exhibit, exposition or convention siteus.
- (98) Individual, one time only sales of personal property items sold by the owner thereof at his private residence or business.
- (109) Garage sales, which for purposes of this article shall mean and include all general sales, open to the public, conducted from or on a residential premises for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," or "rummage" sale, of which no more than three (3) are held at or by any one residence and/or family household during any calendar year, each of such sales being limited in time to no more than three (3) consecutive days or two (2) consecutive weekends (Saturday and Sunday). Sales of the type, but in excess of the number or duration provided for herein, are business operations outside the intent of this exemption.
- (1140) Temporary promotional events held in connection with a permanent established business as authorized in the Corpus Christi Zoning Code.
- ~~(11) — Organized community and festival events held by authority of agreements or special permits issued by the city council or held upon public premises or in or upon public parks or beaches under the auspices or sponsorship or within the regular administration of the parks and recreation department of the city. (By way of example and not limitation: Buccaneer Days, Bayfest, Feria Hispanica and Corpus Christi Beach Party.)~~
- (12) Sidewalk sales held by adjoining or abutting businesses and otherwise in compliance with the provisions of the Code of Ordinances of the City of Corpus Christi, Texas.
- (13) Authorized contractual concessions permitted upon city proprietary premises by agreement, lease or contract with the city duly authorized by the city council.
- (14) Delivery services of permanent established businesses in the city; including industrial catering services providing regular food delivery for employees of industry, business and construction sites, and which operate on-site and by agreement with or invitation of such industries or businesses.

(15) Lemonade stands and the like conducted and operated entirely by children under the age of sixteen (16) and upon the private residential premises of such children.

(16) Local youth organizations are exempt from the permitting requirements of this chapter.

Sec. 38-~~44~~5. - Commercial solicitors engaged in interstate commerce; certificate of registration in lieu of permit.

- (a) No commercial solicitor engaged in the business of taking orders for future delivery of goods or services through the channels of interstate commerce shall be required to post a bond or be issued a permit under the terms of this article, provided, however, that no such solicitor shall engage in such activities without first filing with the city an application containing the information required by subsections (1) through (~~6~~7) and (~~9~~10) of section 38-~~7~~6 of this article and obtaining a certificate of registration as herein provided.
- (b) Upon the filing of the required application, each such solicitor shall be issued a certificate of registration upon payment of a fee of ~~twenty~~-five dollars (\$~~2~~5.00) therefor, and each individual engaged in such solicitation in the city shall have an identification card approved as provided for in subsection 38-9(d) of this article. No person shall engage in such solicitations without the required identity card.
- (c) Certificates of registration and identification cards issued under this section shall be valid for a period of ninety (90) days and shall be displayed to any person so requesting.

Sec. 38-~~5~~4. — Permit required.

No person shall engage in the business of selling, offering for sale, renting or offering for rent any goods or services as a vendor, mobile food vendor, peddler, commercial solicitor or itinerant merchant within the City of Corpus Christi without first obtaining a permit therefor in accordance with the terms and provisions of this article.

When engaged in the business of selling, offering for sale, renting or offering for rent any goods or services, such permit shall be attached or hung on the vendor, mobile food vendor, peddler, commercial solicitor or itinerant merchant so that it is visible to the public and law enforcement officials.

Sec. 38-~~5~~6 — Permit application; filing.

No — permit required by this article shall be issued except upon a sworn application duly filed with the city manager or ~~such permit officer as he may designate~~ designee to administer the provisions of this article.

Sec. 38-~~7~~6. — Permit application, information required, and criminal background check.

- (a) Every application for a permit required by this chapter shall contain the following:
 - (1) Applicant identifying information as follows:

(A) If the applicant is a firm, company, corporation, organization, partnership, association or other legal entity company:

(i) The applicant's name, address, e-mail address, and telephone number;

(ii) If applicable, a certified copy of any assumed name certificate and/or corporate or other legal organization charter of record, together with proof of the individual's authority to act in behalf of such entity;

(iii) The name, address, telephone number, and title of each of its officers; and

(iv) The date and place of incorporation or establishment of the business.

~~The name of the applicant and, if applicable, a certified copy of any assumed name certificate and/or corporate or other legal organization charter of record, together with proof of the individual's authority to act in behalf of such entity.~~

~~(2) —~~ (B) If the applicant is an individual:

(i) The applicant's name, date of birth, address, e-mail address, and telephone number;

(ii) If applicable, the business address and phone number of the applicant;

(iii) If applicable, a certified copy of any assumed name certificate; and

(iv) The name, address, date of birth, e-mail address, and telephone number of any individual or company for which the applicant is acting as an agent.

~~The business address and phone number of the applicant.~~

~~(23)~~ The full name, date of birth, phone number, current residence and place of residence for the five (5) years previous to the date of said application of any individuals who will engage in the business operations in the city. Any individual who has lived outside of the state of Texas anytime within the five (5) years previous to the date of said application must submit to a fingerprint-based criminal background check. The applicant will be responsible for any fees imposed by state, federal or third party agencies for the report.

~~(34)~~ A description of the type of goods or services to be offered for sale or rental.

~~(45)~~ A description of the dates, times and proposed location of the business for which the permit application is filed, including proposed routes for mobile street vendors and mobile food vendors, which shall show compliance with all site regulations of this article.

~~(56)~~ The license number of any motor vehicle to be used in the operation of the business in the city.

~~(6)~~ For purposes of this article, every individual who conducts business for an applicant is a representative of such applicant whether acting as employee, agent, independent contractor, franchisee or otherwise for other business

purposes, and the applicant shall for all purposes under this article be responsible for compliance with this article by every such individual representative.

~~(7) a. An identification card no larger than three (3) inches by three (3) inches, displaying a photograph (or together with an additional photograph identification card, such as a current driver's license to be used with the identification card required hereby) for each individual representative of the applicant who will be engaged in the business for which application for a permit is made. The identification card required hereby shall contain the name of the individual representative, the permanent residence address of the individual representative, the local address and phone number, if any, of the individual representative, and the name and address of the applicant as shown on the application for a permit.~~

~~_b. For purposes of this article, every individual who conducts business for an applicant is a representative of such applicant whether acting as employee, agent, independent contractor, franchisee or otherwise for other business purposes, and the applicant shall for all purposes under this article be responsible for compliance with this article by every such individual representative.~~

~~(78)~~ A description and photograph or drawing with construction plans and specifications of any vending unit or mobile food unit to be used in the business for which the permit application is filed.

~~(89)~~ Proof of a general comprehensive business liability insurance policy, issued by an insurance company authorized to do business in the State of Texas, protecting and indemnifying the applicant and the city from all claims for damages to property and for bodily injury, including death, which may arise from operations under or in connection with the requested permit. Such insurance shall name the city as an additional insured, shall provide that no termination or cancellation will be effective without prior written notice to the city, and shall provide liability protection in the following minimum amounts: One ~~hundred thousand~~ million dollars (\$1,000,000.00) per person ~~and three hundred thousand dollars (\$300,000.00) per occurrence for bodily injury and fifty thousand dollars (\$50,000.00) per occurrence for property damage.~~ An indemnity agreement protecting and indemnifying the city against all such claims may be substituted for the insurance policy herein required in the case of parade vendor permits valid only for such parade event and issued under the provisions of subsection 38-17(b) of this article.

(9) Mobile food units and vending units required to obtain auto liability insurance in accordance with state law shall provide proof of an auto liability insurance policy, issued by an insurance company authorized to do business in the state of Texas with protection in the minimum amounts required by state law. Additionally, if operating on City property or a City sponsored event such insurance shall name the City as an additional insured, and shall provide that no termination or cancellation will be effective without prior written notice to the City.

- (10) Proof of state sales tax certificate, if applicable, and compliance with all other applicable state and federal requirements for the particular business for which a permit is requested, to include Section 54.0145 of the Texas Labor Code, as amended; and
- (11) Each applicant shall provide proof of identification for each individual representative of the applicant who will be engaged in the business for which application for a permit is made, through submission of a valid driver's license or other valid, official government photo identification.
- (12) Any other information the City Manager, or designee, determines necessary to the enforcement and administration of this article.
- (b) (1) The applicant must provide all information and any state or federal forms that are required to obtain a criminal history report for the applicant and each individual representative of the applicant who will be engaged in the business for which the application for a permit is made. In addition to the permit fee, the applicant will be responsible to cover any fees imposed by state or federal agencies for the report.
- (2) An applicant and any individuals who will engage in the business operations in the city may be denied, revoked, suspended, or denied for renewal if the applicant or any individuals who will engage in the business operations in the city has been convicted of any felony, or of any offense involving moral turpitude does not meet the background check guidelines adopted, and as may be amended, by the City Council.
- (c) A permittee shall notify the City Manager, or designee, within five (5) days after any material change in information on the application during the permit term. A material change includes, but is not limited to:
- (1) When the permittee becomes an agent for another individual or company;
 - (2) When a permittee terminates an individual's authority to serve as the permittee's agent;
 - (3) A change in the nature, character, and quality of the goods or services;
 - (4) A change in the dates, times, and locations proposed for conducting the business in the City;
 - (5) The addition of individual representatives of the applicant who will be engaged in the business for which the application for a business permit was made, who were not included in the original application;
 - (6) Renewal of any required insurance policy during the permit period; or
 - (7) Renewal of any required health permits.

Sec. 38-~~87~~. — Permit application, additional requirements

- (a) Health permits required for food and beverage businesses.

No permit authorized to be issued under this article shall be issued to any person for the purpose of selling or offering for sale any food or beverage unless the applicant shall

have first obtained all health permits, certificates and inspections required by the city health code for the particular type of business for which the permit is requested. Certain types of mobile food units may also require an inspection by the City's Fire Department prior to issuance of a health permit.

(b) Inspection by the Fire Department.

Certain types of mobile food units may also require an inspection by the fire department to ensure compliance with the Corpus Christi Fire Prevention Mobile Food Vendor Requirements. A copy of the Corpus Christi Fire Prevention Mobile Food Vendor Requirements will be available upon request and accessible on the City's Fire Department website.

(c) Location License

- (1) Itinerant merchants, vendors and mobile food vendors who wish to conduct business on City right-of-ways, parks, beaches, bayfront seawall, or other City property must seek a location license after the permit has been issued and prior to conducting business on City property.
- (2) Location license fees. The Traffic Engineer shall prepare a list of fees for use of authorized public right-of ways for vending or mobile food vending. The schedule of fees and charges shall be submitted to the City Manager for approval, and be reviewed on an annual basis. Such fees shall not increase annually by more than twenty-five (25) percent, nor shall new fees be created, without City Council's approval by motion or resolution. The approved schedule shall be filed with the City Secretary and copies shall be provided to the City Council. Specific fees, however, shall be adjusted at any time, and the City Traffic Engineer shall have the authority to negotiate special fees for special situations. The fees for use of City parks, beaches and the bayfront seawall sidewalk, for vending or mobile food vending shall be in accordance with the approved fee schedule authorized pursuant to Chapter 36 of this Code.

~~Sec. 38-8. -- Bond required for peddlers, commercial solicitors and itinerant merchants in emergencies.~~

~~(a) — Upon the declaration of a state of emergency or of a disaster in the city, as authorized in this Code, every permit issued under this article for a peddler, commercial solicitor or itinerant merchant to engage in the selling, renting or offering for sale or rent any goods or services used or useful in connection with such emergency or disaster relief shall be immediately suspended. The permitting officer is hereby authorized to determine whether each particular permit issued by him is within the class of permits suspended and is further authorized to reinstate suspended permits upon compliance by the permittee with the bonding requirements herein. Applicants for new or renewal~~

~~permits during the period of the emergency or disaster shall be subject to the said bonding requirements the same as suspended permittees.~~

~~(b) — Prior to the issuance or renewal or reinstatement of any permit under this article for a peddler, commercial solicitor or itinerant merchant, under the conditions of subsection (a), the applicant therefor shall provide a bond in the sum of not less than twice the maximum amount of any single transaction, as determined by the permitting officer; payable to the city for the use and benefit of any person aggrieved by the failure of such peddler, commercial solicitor or itinerant merchant to fully comply with the conditions thereof. Said bond shall be executed by the applicant, as principal, with a good and sufficient surety upon which service of process may be made in the State of Texas, and shall be conditioned that the principal shall comply with all of the provisions of the ordinances of the city and the statutes of the State of Texas and conditioned further that the principal will pay all damages growing out of the violation of any such ordinance or statute or the wrongful, fraudulent or illegal conduct of said principal or arising out of any misrepresentation or deception practiced on any person transacting business with such principal, his agents or employees, either at the time of such transaction or through any advertisement or representation prior to or after such transaction. Such bond shall be further conditioned that no payment under such bond shall reduce the liability of the principal and surety under the bond for damages related to any separate violation or transaction. The bond shall remain in full force and effect for the duration of the permit authorized under this article and for two (2) years thereafter. Action on the bond may be brought in the name of the city to the use and benefit of the aggrieved person.~~

Sec. 38-9. — Permits—Duration and fees.

- (a) Except as otherwise provided in this article, permits granted under this article shall be issued for a in thirty-day increments with a maximum one year period of validity ~~of ninety (90) days.~~
- (b) The fee for a permit under this article shall be seventy~~twenty~~-five dollars (\$27~~2~~5.00) per year~~thirty-day~~ increment.
- ~~(c) An annual permit may be issued to a year-round business in lieu of the permit provided for in subsection (a) above, and the fee for such annual permit shall be two hundred seventy-five dollars (\$275.00).~~
- ~~(d)~~ Each vending unit, mobile food unit and each distinct location of an itinerant merchant business, vendor and mobile food vendor shall be separately permitted.
- ~~(e)~~ As a condition of each permit issued under this article, each individual engaged in the permitted business which involves home solicitation, shall be provided by the City with a separate identification card which shall be valid for the duration of the permit in connection with which it is required. The permittee shall pay for the cost of each identification card required, which shall be ten dollars (\$10.00). ~~Each such~~

~~identification card shall be provided by the applicant as required under subsection 38-6(7) and shall, upon issuance of the permit, have placed upon it the stamp of approval of the permitting officer. Replacement identification cards will be ten dollars (\$10.00) each.~~

Sec. 38-10. ~~— Permit—Same—~~Renewal.

Permits issued under this article may be renewed by filing a written request therefor which shall correct and update any information required in the original application as necessary to accurately reflect current facts and information. Such renewal requests shall be accompanied by the required fees and shall be processed as in the case of original permit applications.

Sec. 38-11. ~~— Permit—Same—~~Not transferable.

No permit issued under this article shall be transferable or assignable.

Sec. 38-12. ~~— Permit—Same—~~Issuance.

- (a) Within five (5) working days of the receipt of a completed application for a permit under this article, the ~~City Manager or designee permit officer~~ shall issue the requested permit or shall notify the applicant, in writing, of the denial of such permit and the reason for the denial.
- (b) Every permit issued under this article shall state the number of the permit, the dates of issue and expiration, the type of business authorized, ~~and the goods or services to be offered, the amount of the permit fee paid,~~ the location where said business may be carried on under the permit, the name of the business and the names of the individuals authorized to conduct the actual business operations.

Sec. 38-13. ~~— Permit—Suspension~~

~~(a) Upon the declaration of a state of emergency or of a disaster in the city, as authorized in this Code, every permit issued under this article for a peddler, vendor, mobile food vendor, commercial solicitor or itinerant merchant to engage in the selling, renting or offering for sale or rent any goods or services used or useful in connection with such emergency or disaster relief shall be immediately suspended. The City Manager or designee is hereby authorized to determine whether each particular permit issued by him is within the class of permits suspended and is further authorized to reinstate suspended permits during a state of emergency or of a disaster in the city or immediately thereafter. The appeal provisions below do not apply to suspension of permits pursuant to this subsection.~~

~~(b) The City Manager or designee may suspend a permit for a definite period of time, if the City Manager or designee determines that:~~

- ~~(1) A violation of this code or any other law concerning the sale or distribution of goods or services, by the permittee or permittee's agent has occurred, including any action inconsistent with the conditions under which the permit was issued;~~
~~or~~

(2) The permittee or a representative authorized to supervise the permittee's agents has failed to establish policy and take action to discourage, prevent, or correct violations of this code or any other law concerning the sale or distribution of goods or services by agents.

(c) Vending at an unapproved location will result in a six (6) month suspension of the permit.

(d) The City Manager or designee shall send to the permittee a written statement setting forth the reasons for the suspension and notifying the permittee of the right to appeal. A timely request for appeal by the permittee stays the effect of the suspension unless the City Manager or designee determines that an emergency exists.

(e) For purposes of this section, an emergency exists if the City Manager or designee determines that a violation has occurred and constitutes an imminent and serious threat to the public health or safety. In case of an emergency, the City Manager or designee may order the permittee or permittee's representative to correct the violation immediately or cease vending or home solicitations to the extent the City Manager or his designee determines is necessary to abate the threat until the violation is corrected.

(f) If the City Manager or designee suspends a permit, no portion of the fee already paid for the permit will be refunded.

Sec. 38-134. ~~Permit Same~~—Denial or revocation.

(a) Any permit may be denied or revoked for any of the following causes:

- (1) Fraud or misrepresentation contained in the application for the permit.
- (2) Fraud or misrepresentation made in the course of carrying on the permitted business.
- (3) Conduct of any business required to be permitted under this article in violation of any of the terms of this article or of any ordinance of the City of Corpus Christi, Texas.
- (4) Activities or conduct in violation of any state statutes or federal law governing the transaction or product of the business required to be permitted by this article.
- (5) Two (2) or more permits held by the applicant having been revoked in the preceding calendar year prior to the application for a permit because of fraud or misrepresentation in a previous application or from fraud or misrepresentation made in the course of carrying on the permitted business.
- (6) Two (2) suspensions of a permit held by the permittee in the current permit year will result in revocation of the permit for the remainder of the permit year.
- (7) The permittee or an agent of the permittee has intentionally or knowingly impeded a lawful inspection by the City Manager or designee, or any representative of a City Department who has the authority to inspect the permittee and the permittee's business procedure;

- (b) Notice of any such denial or revocation of a permit shall be given in writing, setting forth specifically the grounds of such denial or revocation. The notice must notify the permittee of the right to appeal. Such notice shall be sufficient if personally delivered or mailed, postage prepaid, to the permittee at the business address given on his application for said permit and shall be effective immediately upon personal delivery or on the second business day following the date of mailing of such notice.
- (c) If the City Manager or designee revokes a permit, the fee already paid for the permit will be forfeited. A permittee who's permit has been revoked under this section may not apply for or be issued a new permit for a period of one (1) year after the date the revocation took effect.

Sec. 38-145. - Appeal.

Any person aggrieved by the decision of the ~~permit officer~~City Manager's designee in regard to the denial of an application for a permit under this article or in connection with the suspension or revocation of a permit under this article shall have the right to appeal to the City Manager. The City Manager may select a designee who is not from the same department as the designee who denied, suspended or revoked the permit to hear the appeal. city council. Such appeal shall be taken by filing with the City Manager within ~~tenseven~~ (107) days after the effective date of the notice of the denial, suspension -or revocation, a written statement setting forth the grounds for the appeal. A hearing before the ~~city council~~City Manager or designee shall be scheduled within ~~thirtytwoone~~ (3024) days following the filing of the appeal. After the hearing, the City Manager or designee, shall either uphold, modify, or revoke the denial, suspension or revocation. If no appeal is taken within the time provided above, the decision of the denial, suspension or revocation shall be final. When a permit suspension or revocation is upheld, the permittee shall remove and cease to display the originally issued permit. The decision of the city council shall be final.

Sec. 38-1622. – Peddlers, Commercial Solicitors and Itinerant Merchants; General Regulations.

All peddlers, commercial solicitors and itinerant merchants, permitted under the provisions of this article shall comply with the following rules and regulations which shall be conditions of the permits:

- (1) No peddler or commercial solicitor shall conduct any such business before 9:00 a.m. or after 6:00 p.m. during standard time, or before 9:00 a.m. or after 7:00 p.m. during Daylight Savings Time, without a prior invitation from the occupants of said private residence.
- (2) No peddler, commercial solicitor or itinerant merchant shall represent to any person that any certificate of registration, permit or identification card issued under the provisions of this article in any manner constitutes an endorsement or approval by the City of Corpus Christi, Texas, of a product, good or service or of any particular person or business.

- (3) No peddler, solicitor or itinerant merchant shall make any false, fraudulent or misrepresentative statement regarding any goods or services or in any other manner misrepresent his business or purpose.
- (4) Every peddler, solicitor and itinerant merchant shall upon the request of any purchaser of goods or services from him, provide such purchaser with a written receipt signed by the said peddler, solicitor or itinerant merchant and setting forth a brief description of the goods or services, the total purchase or rental price thereof, the amount of cash payment, if any, and the balance due and terms of payment.
- (5) Every peddler, commercial solicitor and itinerant merchant shall prominently display any certificate of registration or permit issued under the provisions of this article and shall, upon the request of any person, display any identification card issued under the provisions of this article.
- (6) No peddler, commercial solicitor, or itinerant merchant shall remain on any private premises or continue any effort to gain entry to any private premises after being requested by the owner or lawful occupant thereof to depart.
- (7) No peddler, commercial solicitor, or itinerant merchant shall engage in soliciting activities at any residence or business that has a "No Soliciting" or "No Trespassing" sign posted on the property.

Sec. 38-176. - Vendors; general regulations.

All vendors permitted under the provisions of this article shall comply with the following rules and regulations which shall be conditions of the permits:

- (1) All vendor premises and surrounding area shall be kept clean and free of trash and litter. A trash receptacle shall be provided by the vendor, maintained by the vendor and lawfully disposed by the vendor available upon or within seventy-five (75) feet of every vending unit. The vendor shall secure the trash receptacle in a manner that ensures the trash is maintained within the receptacle at all times. Prior to leaving the location the vendor shall clean the premises and remove all litter therefrom and from any street or other premises to which said litter has traveled. The trash receptacle must be removed from the vending site by the vendor or mobile food vendor within thirty (30) minutes after the vendor or mobile food vendor has ceased vending activities at the end of each business day. Every vendor issued a permit under the provisions of this chapter shall, within five (5) days of such issuance, certify in writing that he has obtained training or information on litter and waste handling from Keep America Beautiful, Inc. or some other approved organization operating an educational program to reduce litter in the city.
- (2) No vendor shall conduct his vending operation except between the hours of 7:00 a.m. and 12:00 midnight, unless otherwise specified in a location license, and no vending unit shall remain on the premises except during such period of operations. Mobile food vendors will adhere to the hours of operation listed in

the special regulations for mobile food vendors, unless otherwise specified in a location license.

- (3) Vendor signage shall be secured and restricted to vending units, mobile food units and service vehicles with no extension of signs beyond vehicle, mobile food unit or vending unit edges. Signs shall be limited to the vendor's name and a listing of goods and services available and their prices and shall comply with the zoning regulations relating to signage for the zoning district in which the vending unit is operated.
- (4) All permits shall be prominently displayed and plainly visible within or upon the vending unit. ~~Identification cards shall be displayed to any person so requesting.~~
- (5) Vending of food or beverages in glass containers is prohibited.
- (6) All vendor premises must be vacated and vending units removed from the premises during Condition 3 and higher hurricane alerts.
- (7) No vending unit, mobile food unit or service vehicle used therewith shall be left unattended on any public street, alley, sidewalk or other public way, nor upon any public grounds, park, beach or other public premises.
- (8) Vending units and mobile food units shall be freestanding and no item related to the vending operation shall be allowed to lean against or hang from or otherwise be attached to any structure except the vending unit or mobile food unit.
- (9) Vending units and mobile food units shall be constructed and maintained in a professional, workmanlike manner with quality materials and units which are rusted, tattered, worn or otherwise in disrepair are strictly prohibited.
- (10) No vendor shall use any type of sound amplification nor shall any vendor shout or make any other loud noises to attract the attention of pedestrians or motorists or otherwise harass or disturb persons.
- (11) Distribution of commercial printed matter or other advertising paraphernalia is prohibited.
- (12) No vendor shall vend to persons in vehicles.
- (13) Vending units and mobile food units that are parked or stationary shall have chocked wheels, or use other means to prevent movement of the units while vending.
- (14) Vendors must comply with all the provisions relating to noise found in in Chapter 31 of this Code and are subject to the enforcement and penalties listed in Chapter 31.
- (15) In addition to the regulations specified in this section, vendors and mobile food vendors who obtain specific location licenses shall comply with the applicable special regulations related to sidewalk vending, street vending, park and beach vending contained in this article and Chapter 10 of this Code. Further vendors and mobile food vendors conducting vending on private premises or authorized

street vending shall comply with the special regulations related to private premise vending and street vending contained in this article.

Sec. 38-18. – Mobile food vendors; special regulations

All mobile food vendors permitted under the provisions of this article shall comply with the following rules and regulations which shall be conditions of the permits:

- (1) Mobile food vendors shall comply with all of the rules and regulations listed in Section 38-17 of this Code, with the exception of hours of operation.
- (2) No mobile food vendor shall conduct his vending operation except between the hours of 6:00 a.m. and 3:00 a.m., unless otherwise specified in a location license, and no mobile food unit shall remain on the premises except during such periods of operation.
- (3) Mobile food units shall have a nonporous material placed underneath the mobile food unit.
- (4) Mobile food units shall be street-approved motor vehicles duly licensed for operation upon public streets and roadways in accordance with the regulations of the Texas Department of Public Safety and Texas Department of Motor Vehicles.
- (5) Mobile food units shall not be operated on any residentially zoned property.
- (6) Vending to persons standing in the streets is prohibited.
- (7) Mobile food units must have “No Smoking” signs displayed at or near the order window or area and near the area where propane is used.
- (8) Mobile food units must be a minimum of twenty (20) feet away from any building, including overhangs, unless otherwise authorized.
- (9) The permittee is responsible for educating all employees and agents about proper fire safety associated with operating the mobile food vending unit.

Sec. 38-197. - Sidewalk vendingers; ~~location license required~~; special regulations; special event vending.

- (a) No ~~location license~~permit shall be issued to any vendor or mobile food vendor to operate his business and no vendor or mobile food vendor shall vend upon any public sidewalk in the city except as follows:
- (b) Vendors and mobile food vendors shall be permitted to operate on the Bayfront Seawall sidewalk or areas specified in a Pilot Program approved by the City Manager or designee, subject to the following restrictions and regulations in addition to other conditions imposed upon vendors and mobile food vendors by this article.
 - (1) The director of parks and recreation may establish designated vendor and mobile food vendor sites on the Bayfront Seawall sidewalk, taking into account the following factors:
 - a. Primary use and users of the particular location.
 - b. Pedestrian and vehicle traffic flows and congestion.

c. Parking facilities.

d. Availability and location of permanent city contractual concessions and other permanent facilities.

e. Sidewalk width which ensures compliance with the Americans with Disabilities Act, as amended.

(2) The designated vendor and mobile food vendor sites shall be assigned after application, payment of a fee, and demonstration that the vendor or mobile food vendor has been issued a permit under this article to operate in the City and a health permit if applicable. Vendor and mobile food vendor sites may not be "reserved" in advance of location license issuance. No vendor or mobile food vendor assigned to a designated vendor or mobile food vendor site shall vend in or at any other Bayfront Seawall sidewalk location except the assigned site, unless authorized by the City Manager or designee by license or otherwise permitted under this article.

(3) No vendor or mobile food vendor shall conduct his vending operation except between the hours of 7:00 a.m. and 12:00 midnight, unless otherwise specified in a location license, and no vending unit shall remain on the premises except during such period of operations.

(4) Designated vendor and mobile food vendor sites shall be limited in size and number in accordance with the considerations established in paragraph (1) of this section.

(5) The maximum size of vending units and mobile food units shall be determined by location three (3) feet in width by four (4) feet in length, excluding movable parts and pushbars. Overall size shall not exceed six (6) feet in length nor four (4) feet in width. The requested vending location must allow for five (5) feet of unobstructed pedestrian access, excluding the vending operating area.

(6) Vendors shall confine their vending units and activities on the seawall sidewalk to the area immediately adjacent to the waterside seawall curb (the side of the unit nearest such curb shall be kept within two (2) feet of such curb). Vending is prohibited on or from streets, the bayfront landmasses and connecting sidewalks, the seawall steps, the barge dock and parking areas.

(7) Mobile push cart vending units shall remain mobile except to stop and vend and for reasonable rest periods during which no vending occurs.

(8) No type of vendor or mobile food vendor service vehicle shall be parked along Shoreline Boulevard next to the seawall except for the time necessary to load or unload inventory, a mobile food unit, or a vending unit or if permitted in an authorized zone.

(9) Vending is prohibited within seventy-five (75) feet of another vendor; within three hundred (300) feet of any permanent contractual concession; within twenty-five (25) feet of any street intersection; within three hundred (300) feet of the designated grounds of an authorized community festival event or permitted special event, and within fifty (50) feet of any building entrance.

(106) No vendor or mobile food vendor shall cause any obstruction to the smooth flow of pedestrian or vehicular traffic and vendors shall yield the right-of-way to other traffic of any type.

(117) Rental of motorized transport for use on the Bayfront Seawall sidewalk is prohibited.

(128) Motorized vending units are prohibited.

(139) No vendor shall use any type of sound amplification nor shall any vendor shout or make any other loud noises to attract the attention of pedestrians or motorists or otherwise harass or disturb persons.

(14) Distribution of commercial printed matter handbills, circulars or other advertising paraphernalia is prohibited.

(150) No vendor shall vend to persons in vehicles.

(16) The vendor or mobile food vendor shall be responsible for all maintenance of the permitted area and shall reimburse the City for all repairs caused by damage to the sidewalk or adjacent right-of-way by the permitted use.

(17) The following types of vending activities may be permitted at the designated vending sites:

a. Food and beverage sales.

b. Sales and rentals which promote tourism/leisure activities as approved by the director of parks and recreation.

c. Frozen dessert push cart vendors. In addition, frozen dessert push cart vendors shall operate only between the hours of 7:00 a.m. and midnight. The maximum size of push carts shall be three (3) feet in width by four (4) feet in length, excluding movable parts and pushbars. Overall size shall not exceed six (6) feet in length nor four (4) feet in width. Push carts shall remain mobile except to stop and vend and for reasonable rest periods during which no vending occurs. Distribution of commercial printed matter, or other advertising paraphernalia is prohibited. Push cart vendors shall obtain vending permits, health permits, and food handler permits.

(c) ParadeSpecial event vending.

Vendors and mobile food vendors participating in organized community and festival events or parades held by authority of agreements or special permits issued by the city council or held upon public premises or in or upon public parks or beaches under the auspices or sponsorship or within the regular administration of the parks and recreation department of the city shall obtain the permit required by this chapter. However, vendors and mobile food vendors will be required to adhere to any special requirements of the special event permit which may vary from the requirements of this chapter. (By way of example and not limitation: Buccaneer Days, Texas Jazz Festival, and Beach to Bay.)

Sec. 38-2048. - Street vendingers; special regulations.

No permit shall be issued to any vendor or mobile food vendor to operate his business and no vendor or mobile food vendor shall vend upon or from any public street, alley or roadway except subject to the following restrictions and regulations and in areas specified in a Pilot Program approved by the City Manager or designee, in addition to other conditions imposed upon vendors and mobile food vendors by this article:

- (1) Vending units and mobile food units shall be street-approved motor vehicles duly licensed for operation upon public streets and roadways in accordance with the regulations of the Texas Department of Public Safety and Texas Department of Motor Vehicles.
- (2) No mobile vending shall be conducted by a mobile food unit except upon residential streets as designated in the Corpus Christi Urban Transportation Plan and located in residential zones under the provisions of the Corpus Christi Zoning Ordinance.
- (3) Mobile Vendingfood -units must remain mobile except to stop and vend. Vending from a moving vehicle is prohibited.
- (4) Vending within five hundred (500) feet of the grounds of any school, public or private, when the school is in session and for one-half hour prior to the start and one-half hour after the close of any session is prohibited.
- (5) Vending within five hundred (500) feet of any hospital is prohibited.
- (6) No vendor, mobile food vendor, mobile vending unit 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.
- (7) Vending shall be conducted only during daylight hours, unless otherwise specified in a location license.
- (8) No vendor or mobile food vendor shall vend or stop, stand or park his vehicle within seventy-five (75) feet of any street intersection.
- (9) Vending units and mobile food units shall be stopped immediately adjacent (within eighteen (18) inches) to curbs or street edges for conducting business. Double parking is prohibited.
- (10) VendingMobile food units shall be equipped with a caution sign that can be extended horizontally from the left side of the vehicle with letters not less than six (6) inches in height spelling out the word CAUTION or SLOW and shall be further equipped with caution signs on the front and back alerting oncoming motorists that children may be crossing near the vehicle. The extendable caution arm must be extended whenever the unit is stopped for vending. All equipment installed in or on any vending vehicle shall be secured so as to prevent movement during transit and detachment in the event of a collision or sudden movement or stop. Loose utensils shall be securely stored whenever the vehicle is moving.

- (11) No vendor or mobile food vendor shall use any outcry, sound amplification device or other instrument which can be heard for a distance greater than five hundred (500) feet to attract attention for vending, nor shall any outcry, sound amplification device or other instrument for attracting attention be used in any place or at any time when vending is prohibited by this section.
- (12) Vending vehicles shall not exceed fifteen (15) miles per hour in residential areas while engaged in seeking customers.
- (13) Vending to persons standing in the streets is prohibited.
- (14) ~~Vendors~~ Mobile food vendors shall yield the right-of-way to all other types of traffic.
- (15) Frozen dessert push cart vendors are permitted to operate on public streets in residential areas subject to the requirements of article I, chapter 38 of the Code of Ordinances, including the other requirements specified in this section. In addition, frozen dessert push cart vendors shall operate only between the hours of 10:00 a.m. and sunset. The maximum size of push carts shall be three (3) feet in width by four (4) feet in length, excluding movable parts and pushbars. Overall size shall not exceed six (6) feet in length nor four (4) feet in width. Push carts shall remain mobile except to stop and vend and for reasonable rest periods during which no vending occurs. Distribution of commercial handbills, circulars or other advertising paraphernalia is prohibited. Push cart vendors shall obtain vending permits, health permits, and food handler permits.

Sec. 38-~~2149~~. - Park and beach vendingers—Special regulations.

- (a) Gulf of Mexico beach vendors and mobile food vendors are subject to the requirements of article VI, chapter 10, and the sections of this article, except section 38-19.
- (b) No location license~~permit~~ shall be issued to any vendor or mobile food vendor to operate his business and no vendor or mobile food vendor shall vend in or upon any public park or beach along Corpus Christi Bay, Nueces Bay, or the Laguna Madre (hereinafter, for the purposes of this section, "bayfront beach" or "bayfront beaches") or from or upon other public grounds in the city except as follows:

Vendors and mobile food vendors shall be permitted to operate in or upon public parks and beaches in the city, subject to the following restrictions and regulations in addition to other conditions imposed upon vendors and mobile food vendors by this article:

- (1) The director of parks and recreation may establish designated vendor and mobile food vendor sites for public parks and beaches within the city, taking into account the following factors:
 - a. Primary use and users of the particular park or beach.
 - b. Pedestrian and vehicle traffic flows and congestion.
 - c. Parking facilities.

- d. Availability and location of permanent city contractual concessions and other permanent facilities.
- (2) The designated vendor and mobile food vendor sites shall be assigned after application approval, payment of a fee, and demonstration that the vendor or mobile food vendor ~~in conjunction with the issuance of any~~ has been issued a vendor permit under this article to operate in the City and a health permit if applicable ~~or upon a public park or beach~~. Vendor and mobile food vendor sites may not be "reserved" in advance of location permit issuance. No vendor or mobile food vendor assigned to a designated vendor or mobile food vendor site shall vend in or at any other location within the park or beach area except the assigned site.
- (3) Designated vendor and mobile food vendor sites shall be limited in size and number in accordance with the considerations established in paragraph (1) of this section.
- (4) Vending units and Mmobile vendingfood units shall be stationary and have chocked wheels, if necessary, to prevent movement of the units while vending. ~~permitted upon the roadway portions of public beaches subject to all applicable provisions of section 38-14 of this article.~~
- (5) No mobile vending unit or mobile food unit shall stop to vend in or otherwise obstruct the traveled portion of any public beach, which portion shall for purposes of this section be deemed a street. ~~Vending units shall stop at least ten (10) feet from the said traveled portion for conducting business.~~
- (6) Vending one Gulf of Mexico beaches shall be governed by the provisions of chapter 10 of the Code of Ordinances.

Sec. 38-220. - Private premises vendingers; special regulations.

No permit shall be issued to any vendor or mobile food vendor to operate his business and no vendor or mobile food vendor shall vend from or upon any private premises except subject to the following restrictions and regulations in addition to other conditions imposed upon vendors and mobile food vendors by this article:

~~(1) — Vendors without a permanent address within the city shall be subject to the bonding requirements of section 38-8 of this article.~~

- ~~(12)~~ Vendors and mobile food vendors are prohibited ~~except in~~ established single family residential zones, unless authorized by the City Manager or designee ~~areas allowing retail business in accordance with the zoning ordinance of the city.~~
- ~~(23)~~ Prior to the issuance or renewal of a permit under this article, a sworn affidavit of the owner of the premises proposed to be used by the vendor or mobile food vendor authorizing such use by the vendor or mobile food vendor, must be filed with the ~~permit officer~~ City Manager or designee.

~~(4) Prior to the issuance or renewal of a permit under this article a valid certificate of occupancy for the premises proposed to be used by the vendor must be filed with the permit officer.~~

~~(35)~~ Vending units and mobile food units shall be set back from all street-front property lines and from all rights-of-way by a minimum of twenty (20) feet.

~~(46)~~ Vending units shall be a maximum of ten (10) feet by twenty (20) feet, unless otherwise approved by the City Manager or designee.

~~(57)~~ Restroom facilities which the vendor has written permission to use must be available on the premises to be occupied by the vendor or within three hundred (300) feet of the vending unit.

(6) Vending units and mobile food units may not park or otherwise obstruct disabled parking spaces or access areas for disabled and pedestrians.

(7) Vending units and mobile food units may not be located on a vacant lot.

(8) Vending units and mobile food units must be parked on an improved surface.

(9) If vending is secondary to a primary activity on the private premise then no more than two 2 vending units or mobile food units may be located on the same private premise.

Sec. 38-234. - Special contract vendingers & Pilot Program.

Vending units, mobile food units or operations which are oversized, nonconforming or at variance with the particular provisions of any of the general or specific regulations herein applicable to vending units, mobile food units, mobile food vendors or vendors may be permitted by special contract subject to the approval of and such terms and conditions as may be imposed by the parks and recreation director~~board~~ in the case of vendors or mobile food vendors in or upon public parks, or beaches or the Bayfront Seawall sidewalk, the City Traffic Engineer ~~marina board~~ in the case of vendors and mobile food vendors in or upon the bayfront seawall sidewalks and other public rights-of-way or the marina, or the city manager or designee~~council~~ in all other cases. Further, the city manager or designee may authorize pilot programs for vending in locations where vending is not authorized by this article.

Sec. 38-243. - Duty ~~of police~~ to enforce.

~~It shall be the duty of t~~The Police Department and Code Enforcement Officials of the City of Corpus Christi, Texas, will~~to~~ examine all places of business and persons subject to the provisions of this article, to determine if this article has been and is being complied with and ~~to~~ enforce the provisions of this article against any person found to be violating the same.

Sec. 38-254. - Violations.

(a) Violation of any provision of this article shall constitute a class C misdemeanor. Each violation of a separate provision and each day that a violation continues shall be a separate offense.

- (b) Conviction of an offense under this article shall be punishable by a fine of not less than fifty dollars (\$50.00), nor more than the maximum amount established by law, for each violation.

Secs. 38-2~~65~~—38-39. - Reserved.

SECTION 2: The Corpus Christi Code, Chapter 10, Article VI , Section 10-68 entitled “Gulf of Mexico beach vendors—Special regulations,” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

Sec. 10-68. - Gulf of Mexico beach vend~~ingers~~—Special regulations.

- (a) No ~~permit~~location license may be issued to any vendor or mobile food vendor to operate the vendor's business, and no vendor or mobile food vendor may vend, on any beach within the city along the Gulf of Mexico shoreline or ~~on~~in front of the seawall except under the special regulations in this section.
- (b) Vendors and mobile food vendors shall be permitted to operate upon the Gulf beaches in the city or in front of~~on~~ the seawall fronting on the Gulf of Mexico, subject to the following restrictions and regulations:
- (1) The director of parks and recreation may establish designated fixed vend~~ing~~er sites on Gulf beaches within the city and in front of~~upon~~ the seawall fronting on the Gulf of Mexico, taking into account the following factors:
 - a. Primary historical use of the beach and the individuals who normally use the beach at the specific location.
 - b. Pedestrian and vehicle traffic flows and congestion.
 - c. Availability of parking facilities.
 - d. Availability and location of permanent city contractual concessions and other permanent facilities in the immediate vicinity.
 - (2) The designated fixed vend~~ing~~er sites may be assigned ~~in conjunction with~~ after application approval, payment of a fee, and demonstration that a permit to operate in this City has been issued, under ~~article I of chapter 38, as well as a health permit, if applicable.~~article I of chapter 38, as well as a health permit, if applicable.
 - a. Vendor and mobile food vendor sites may not be "reserved" in advance of permit issuance.
 - b. No vendor or mobile food vendor assigned to a designated fixed vend~~ing~~er site may vend in or at any other location on the Gulf beach or seawall, unless the vendor or mobile food vendor has a permit location license for the additional fixed vending site.
 - (3) Designated fixed vend~~ing~~er sites may be limited in size and number in accordance with the considerations established in subsection (1) of this section.

- (4) Vendor and mobile food vendor location licenses permits for vending sites located within any area that has been leased by the city from the State of Texas require the approval of the Texas General Land Office.
- (5) An applicant for a vendor permit for vending sites located on portions of the Gulf beaches, other than an area that is owned or leased by the city, where the littoral owner has a property interest in the beach, must submit proof that the littoral owner has authorized the use of their portion of the public beach for the vendor's proposed commercial activity.
- (6) The director of parks and recreation may adjust permitlocation license lengths and temporarily relocate designated fixed vending or sites on Gulf beaches as necessary during construction work related to the North Padre Island Storm Damage Reduction and Environmental Enhancement Project and during any beach nourishment operations.
- (7) The director of parks and recreation may temporarily relocate designated -fixed vendinger sites on Gulf beaches as necessary during beach festivals, if the designated fixed vendinger sites will interfere with the routing or control of vehicle traffic.
- (8) The following types of vending activities may be permitted at the designated fixed vending sites:
 - a. Bait and tackle sales.
 - b. Food and beverage sales.
 - c. Sale or rental of beach amenities, such as suntan lotion, towels, t-shirts, children's beach toys, umbrellas, beach chairs, and surfboards.
 - d. Vessel rentals.
- (9) Vendors and mobile food vendors may not in any manner restrict the public from free access to and use of the public beach and to the waters of the Gulf of Mexico, as required by the Texas Open Beaches Act. While a vendor or mobile food vendor has the exclusive right to conduct business at a designated fixed vending site, the vendor or mobile food vendor must recognize and not interfere with the rights of beach users to bring to and use their own personal property and equipment on the public beach, including, but not limited to, umbrellas and chairs, regardless of whether the personal property or equipment consists of items sold or rented by the vendor or mobile food vendor.
- (10) Notwithstanding subsection (9) of this section, a vendor who has a location license~~permit~~ to lease vessels, including personal watercraft, sailboats, windsurf boards, and kite sail boards, at a designated vessel launching and recovery site shall:
 - a. Clearly mark the boundary of the vessel launching and recovery area with flags on the shoreline and buoys in the water.
 - b. Place the last set of buoys beyond the outermost breaking waves and use a buoy color that contrasts with other buoys used to mark the area.

- c. Instruct any person who rents a vessel from the vendor on the proper procedures to use when leaving and returning from the beach.
 - d. Instruct any person who rents a vessel from the vendor on the regulations in section 10-66.
- (11) Vendors, who lease vessels, may not in any manner restrict free access to the public beach and to the waters of the Gulf of Mexico by other vessel owners and operators. While a vendor has the exclusive right to lease vessels at a vessel launching and recovery site, the vendor must recognize and not interfere with the rights of other vessels owners and operators to launch and recover vessels at the site.
- (12) Except when a vessel is leaving or returning to the beach, a vendor, who leases vessels, may not in any manner restrict free access to the public beach and to the waters of the Gulf of Mexico by swimmers or others using the public beach. The vendor may direct individuals who are in the water within the vessel launching and recovery site to leave the site when a vessel is leaving or returning to the beach.
- (13) Vendors and mobile food vendors may not service or fuel vehicles or vessels on the beach or in the Gulf waters, unless the vendor has a vehicle or vessel servicing plan that is approved by the director, parks and recreation, that will ensure that no fuels or lubricants will be spilled on the sand or Gulf waters.
- (14) No ~~fixed site~~ vendor, mobile food vendor, vending unit or mobile food unit shall restrict, obstruct, or interfere with vehicles operating on a Gulf beach.
- (15) No vendor, mobile food vendor, ~~or~~ vending unit, or mobile food unit shall stop to vend or otherwise obstruct the roadway portion of the beach, which portion shall for purposes of this section be deemed a street.
- (16) Fixed site vendors, mobile food vendors, mobile food units and vending units must be at least ten (10) feet from the roadway portion of the beach while conducting business.
- (17) Vendors and mobile food vendors may only vend from sunrise to sunset.
- (18) Vendors and mobile food vendors must remove all equipment, vehicles, and temporary structures from the beach at the end of each business day.
- (19) Vendors and mobile food vendors must remove or relocate their equipment, vehicles, and temporary structures upon request and may not interfere otherwise with beach cleaning operations.
- (20) No mobile vendor shall use any outcry, sound amplification device, or other instrument which can be heard for a distance greater than five hundred (500) feet to attract attention for vending nor shall any outcry, sound amplification device or other instrument for attracting attention be used in any place or at any time when vending is prohibited by this section.
- (21) Vending units and mobile food units shall be stationary and have chocked wheels, if necessary, to prevent movement of the units while vending.

(229) Vendors and mobile food vendors must take the following actions to control litter that may be created from their operations including the following:

- a. The vendor and mobile food vendor shall provide at least one trash receptacle at the designated fixed vending site, which must be removed from the beach by the vendor or mobile food vendor within thirty (30) minutes after the vendor or mobile food vendor has ceased vending activities at the end of each business day.
- b. The vendor or mobile food vendor shall clean the designated fixed vending site, remove all litter from the site and any litter that may have blown from the site, and place all litter collected in a trash receptacle that is removed from the beach within thirty (30) minutes after the vendor has ceased vending activities at the end of each business day.
- c. The vendor or mobile food vendor shall clean the designated fixed vending site, remove all litter from the site and any litter that may have blown from the site, and place all litter collected in a trash receptacle at least every two hours during the business day.
- d. It is the duty of the vendor or mobile food vendor to prevent any litter on the designated fixed vending site and to keep litter from being blown upon or being permitted to come to rest upon other parts of the beach or any private property in the city.
- e. Any material that is illegally dumped next to the vendor's or mobile food vendor's trash receptacles must be removed from the beach by the vendor or mobile food vendor.
- f. All litter and other waste collected by the vendor or mobile food vendor or placed in the vendor's or mobile food vendor's trash receptacles must be properly disposed of.
- g. When notified by a city code enforcement official that the overflows from any trash receptacle presents a health or safety hazard, the vendor or mobile food vendor shall immediately clean up the location, install additional trash receptacles, or arrange for more frequent removal of wastes from the beach.

~~(c) No permit shall be issued to any mobile vendor to operate the vendor's business and no vendor shall vend upon or from any vehicle on a Gulf beach except subject to the following restrictions and regulations in addition to other conditions imposed upon vendors by this section:~~

- ~~(1) Mobile vending units shall be street-approved motor vehicles duly licensed for operation upon public streets and roadways in accordance with the regulations of the Texas Department of Public Safety and Texas Department of Motor Vehicles.~~
- ~~(2) Mobile vending units shall be permitted to travel upon the roadway portions of public beaches.~~

- ~~(3) Vending units must remain mobile, unless the mobile vending unit is stopped to complete a sale.~~
- ~~(4) Vending from a moving vehicle is prohibited.~~
- ~~(5) No mobile vendor or vending unit may restrict, obstruct, or interfere with other vehicles operating on a Gulf beach.~~
- ~~(6) No mobile vending unit shall stop to vend in or otherwise obstruct the roadway portion of the beach, which portion shall for purposes of this section be deemed a street.~~
- ~~(7) Mobile vending units shall stop at least ten (10) feet from the roadway portion of the beach for conducting business.~~
- ~~(8) Vending shall be conducted from sunrise to sunset.~~
- ~~(9) No mobile vendor shall vend or stop, stand or park his vehicle within seventy-five (75) feet of any beach access road right-of-way lines as projected to the Gulf of Mexico.~~
- ~~(10) Mobile vending units:~~
 - ~~a. Shall be equipped with a caution sign that can be extended horizontally from the left side of the vehicle with letters not less than six (6) inches in height spelling out the word CAUTION or SLOW.~~
 - ~~b. Shall be equipped with caution signs on the front and back alerting oncoming motorists that children may be crossing near the vehicle.~~
- ~~(11) The extendable caution arm on a mobile vending unit must be extended whenever the unit is stopped for vending.~~
- ~~(12) All equipment installed in or on any vending vehicle shall be secured so as to prevent movement during transit and detachment in the event of a collision or sudden movement or stop. Loose utensils shall be securely stored whenever the vehicle is moving.~~
- ~~(12) No mobile vendor shall use any outcry, sound amplification device, or other instrument which can be heard for a distance greater than five hundred (500) feet to attract attention for vending nor shall any outcry, sound amplification device or other instrument for attracting attention be used in any place or at any time when vending is prohibited by this section.~~
- ~~(13) Vending vehicles shall not exceed fifteen (15) miles per hour on a Gulf beach while engaged in seeking customers.~~
- ~~(14) Mobile vendors shall yield the right-of-way to all other types of traffic.~~
- ~~(15) Mobile vending units may not vend within an area designated as a fixed vending site if the vendor offers any items similar to the items sold or rented by the permitted fixed site vendor.~~
- ~~(16) Mobile vendors on Gulf beaches may only sell:~~
 - ~~a. Bait and tackle sales.~~

~~b. Food and beverage sales.~~

~~c. Sale beach amenities, such as suntan lotion, towels, t-shirts, and children's beach toys.~~

~~(17) Mobile vendors may not service or fuel vehicles on the beach.~~

(~~cd~~) In addition to the restrictions and regulations in this section, vendors and mobile food vendors must comply with any additional rules and restrictions imposed upon vendors and mobile food vendors by article I of chapter 38.

SECTION 3: If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

SECTION 4: Publication shall be made in the official publication of the City of Corpus Christi, as required by the City Charter of the City of Corpus Christi.

SECTION 5: This ordinance takes effect upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2017, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Debbie Lindsey-Opel	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2017, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Debbie Lindsey-Opel	_____		

PASSED AND APPROVED on this the _____ day of _____, 2017.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor