

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KYLE, TEXAS; AMENDING CHAPTER 11 ("BUSINESS REGULATIONS"), ARTICLE IV ("PEDDLERS, SOLICITORS AND VENDORS"); ADDING DEFINITIONS; ADDING PERMITTING REQUIREMENTS; ALTERING PERMISSIBLE HOURS OF OPERATIONS; CLARIFYING ALLOWABLE ITEMS TO BE SOLD; ALTERING PERMISSIBLE LOCATIONS OF OPERATIONS; CREATING A FOOD COURT LAND USE AND ASSOCIATED TERMS AND PROVISIONS; REPEALING CONFLICTING PROVISIONS AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED AS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Kyle is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the City's regulatory mechanism for the regulation of peddling, soliciting and vending business activities in Article IV of Chapter 11 of the City Code currently has provisions for operations and licensing; and

WHEREAS, the City seeks to expand and clarify the rules and regulations for mobile and temporary food vendors; and

WHEREAS, in order to provide greater flexibility in allowable hours and locations of operations; and

WHEREAS, in order to provide greater specificity in requirements for licensing and permissible items to be sold, the Mayor and City Council desire to revise said Business Regulations; and

WHEREAS, the regulation of those business uses carried out within Kyle's corporate limits is a reasonable and lawful police power of Texas home rule jurisdictions; and

WHEREAS, the Mayor and City Council have reviewed these recommended changes to the Kyle Business Regulations and find that it furthers the City's intended policies and plans, and will better serve as Business Regulations for the future of the City's development; and

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

SECTION 1. Code of Ordinances Chapter 11 ("Business Regulations"), Article IV ("Peddlers, Solicitors and Vendors") amended as set forth in Exhibit A. Added text is indicated by underlining. Deleted text is indicated by strikethroughs. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate and consistent with the existing numbering and formatting of the existing ordinance.

SECTION 2. That the City Secretary is hereby authorized and directed to update the City of Kyle code to reflect the changes made in Exhibit A and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of its final approval by the City's Mayor and City Council.

SECTION 5. Conflicting Ordinances or Resolutions. All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

SECTION 6. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the 6th day of December, 2016, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the 3rd day of January, 2017, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this _____ day of _____, 2017.

R. Todd Webster, Mayor

ATTEST:

Jennifer A. Vetrano, City Secretary

EXHIBIT 'A'