

ORDINANCE NO. 0092

AN ORDINANCE OF THE TOWN OF HORIZON CITY REGULATING PEDDLERS, TRANSIENT MERCHANTS, SOLICITORS, CANVASSERS, AND MOBILE FOOD VENDORS; ESTABLISHING LICENSING REQUIREMENTS, VIOLATIONS AND PROTECTIONS FOR HOMEOWNERS; REGULATING HANDBILLS AND SOLICITATION IN THE RIGHTS-OF-WAY; AND PROVIDING PENALTIES FOR VIOLATIONS; REPEALING AND REPLACING THE ORDINANCE DATED SEPTEMBER 12, 2000 ON THE SAME SUBJECT; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; PROPER NOTICE AND HEARING; THE PENALTY BEING AS PROVIDED IN ARTICLE I, SECTION 16 OF THE ORDINANCE, CREATING A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$500.00.

WHEREAS, the City Council is committed to protecting citizens from the harassment, annoyance, disruption of privacy, and questionable merchandise commonly associated with certain itinerant vendors and vagrant merchants; and

WHEREAS, the City Council finds that certain itinerant vendors constitute a public nuisance worthy of government regulation; and

WHEREAS, the City Council has the general statutory authority, pursuant to Texas Local Government Code Chapter 54, to adopt an ordinance, rule, or police regulation that is for the good government, peace, and order of the City, including the authority to license and regulate peddlers, transient merchants, and solicitors pursuant to its general police powers; and

WHEREAS, the City Council has authority under the Texas Health and Safety Code, to regulate food sales and storage; and

WHEREAS, the City wishes to limit the operation of mobile food vendors, such that this the adoption of this Ordinance shall serve as a temporary moratorium on the full implementation of mobile food vending within the City, pending further study of all of the needed requirements to implement a full and complete regulation of such vendors who would sell food items other than pre-packaged food; and

WHEREAS, the Supreme Court of the United States has consistently recognized the right and obligation of local governments to protect their citizens from fraud and harassment, particularly when solicitation of money is involved, and

WHEREAS, an important part of the freedom enjoyed by all citizens and residents of the