

ORDINANCE NO. 2021-O-206

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 18, OF THE CODE OF ORDINANCES BY ADDING ARTICLE VIII, MOBILE BUSINESS REGULATIONS; ESTABLISHING RULES AND REGULATIONS FOR THE REGISTRATION OF MOBILE BUSINESSES; ESTABLISHING OPERATION HOURS AND LOCATIONS; PROVIDING FOR AN ANNUAL REGISTRATION; PROVIDING FOR AN APPLICATION FEE OF FIFTY DOLLARS (\$50.00); PROVIDING ENFORCEMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council is concerned about mobile businesses in the City of Laredo conducting business that is in violation of City of Laredo ordinances; and

WHEREAS, the City Council of the City of Laredo seeks to promote the orderly growth of new mobile businesses to follow all building, fire, health and regulatory ordinances; and

WHEREAS, mobile businesses contribute to the diversity of retain options within the city; and

WHEREAS, mobile businesses providing business opportunities for local entrepreneurs and encourage economic activity in the city; and

WHEREAS, the City is expressly authorized to regulate business establishments and require a certificate of occupancy by virtue of being a home rule municipality; and

WHEREAS, the City Council deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City and its residents to adopt and enforce procedures for mobile businesses; and

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

Section 1. The City of Laredo Code of Ordinances, Chapter 18, Licenses, Permits and Miscellaneous Business Regulations, is hereby amended as follows:

ARTICLE VIII – MOBILE BUSINESS REGULATIONS

Section 18-34. Definitions

As used in this article, the following definitions shall apply:

Mobile business shall mean a motorized vehicle from which a mobile vendor offers for sale or sells non-food related goods, product, or services to the public that are not covered under Chapter 13, Article II, Food Products Establishments and Chapter 28, Article V, Commercial Use of Streets,

Sidewalks, and Other Public Places.

Mobile vendor shall mean any person that sells or offers for sale non-food goods, products or services from a mobile business within the city.

Section 18-35. License required

(a) It shall be unlawful for any person to operate within the city a mobile business, as defined in this article, without first having obtained a mobile vending license. A separate license shall be required for each mobile business.

(b) Mobile vending licenses expire 365 days from the license start date.

Section 18-36. Application requirements.

(a) Every mobile business in the City of Laredo may not operate within the City without first having obtained a mobile vending license. A mobile vendor must complete and submit an application for a mobile vending business license to the Building and Development Services Department that shall contain the following information:

- (1) The name of the mobile business and the mobile vendor;
- (2) The address of the mobile vendor;
- (3) The business telephone number and the cell phone number of the owner or manager;
- (4) Description of all products to be sold;
- (5) Site plan showing exact location of intended operations and letter of approval from the private property owner if applicable;
- (6) License plate number, vehicle identification number (VIN), proof of vehicle insurance coverage and registration;
- (7) Proof of commercial general liability insurance;
- (8) A signed statement that the mobile vendor shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license;
- (9) A fire inspection report as deemed applicable by the City Fire Marshal;

Section 18-37. Application Fee.

The mobile vendor applicant shall pay an application fee of fifty dollars (\$50.00).

Section 18-38. License approvals.

(a) Every mobile business must have approval from the following departments and/or divisions within the departments:

- (1) Building development services department's zoning division and right-of-way division must review and approve.
- (2) The health department must review and approve.
- (3) The fire department must review for all fire code compliance.
- (4) The police department must review and approve.
- (5) The traffic department must review and approve.
- (6) The environmental and solid waste services department must review and approve.
- (7) The utilities department must review and approve.

After all departments have approved the application, a license must be issued before the mobile vendor may operate a mobile business. A license shall not be transferable from one person to another.

Section 18-39. Permitted Locations

(a) Mobile vendors may operate only in the locations described in this section. Mobile vending is

prohibited in alleys.

(b) Mobile vendors may operate mobile businesses in residential zoning districts if they are providing services directly to a residence. The mobile business may only operate in a residential district for a maximum of four (4) hours provided that they are providing services directly to the residence they are parked in front of or in the driveway of. Mobile businesses shall be legally parked, may not obstruct the flow of traffic, and may not be in violation of any other city ordinance when operating in a residential zoning district. If a mobile business is not providing services directly to one residence, then the mobile vendor may not operate a mobile business in a residential zoning district.

(c) Mobile Businesses on Private Property. A mobile vendor must not operate on any private property without written permission from the property owner to do so and must leave the property if asked to leave by the property owner. Mobile vendors operating a mobile business on private property shall provide the city a copy written permission from the property owner to allow the operation of the mobile business. A copy of the owner's written consent to operate in a specific location signed by the property owner shall be kept within the mobile business at all times. A mobile business located on private property is subject to the same land use and zoning standards applicable to the property.

Section 18-40. Hours of Operation.

Mobile vendors are permitted to operate mobile businesses during the hours of 6AM to 11PM. Mobile vendors may not park mobile businesses on city streets while not in operation during the hours of 11PM to 6AM.

Section 18-41. Mobile Business Requirements.

The following regulations apply to all mobile businesses whether on public or private property.

(a) Compliance with Laws. In addition to the provisions of this chapter, the mobile vendor must comply with all other applicable local, state, and federal laws, including but not limited to state motor vehicle licensing laws, motor vehicle maximum dimension standards established pursuant to state law, health department permitting requirements, and city requirements for use of public right-of-way. Loss of any required state or city permit or license will result in revocation of the mobile business license.

(b) Safety hazards. The mobile vendor acknowledges that the police department, fire department, code enforcement officer, or any authorized representative thereof, have the right to suspend operations or request the mobile vendor to relocate when the vendor is causing or contributing to an imminent public safety hazard.

(c) Parking. Mobile businesses are subject to and must comply with all applicable city parking regulations, including time limitations and ADA parking restrictions. Mobile businesses shall be parked so neither the vehicle nor the customers interfere with public access to adjacent driveways or entrances to existing buildings or uses.

(d) Vehicular traffic. The mobile vendor may not operate the mobile business in a manner that impedes vehicular traffic. Mobile businesses shall not operate a drive-thru.

(e) Pedestrian access. The mobile vendor may not operate the mobile business in a manner that impedes pedestrian access along the sidewalk or public right-of-way. The mobile vendor must set up and operate the mobile business so as to maintain a clear pedestrian pathway along the public sidewalk at all times. A mobile vendor operating a mobile business may not place any item, including, chairs, tables, or signage on the sidewalk. Any obstructions of the public right-of-way deemed unsafe by the city of placed without proper approval will be promptly removed.

(f) Public utilities. The mobile business must be self-contained and may not connect to city water or power during operation while located on the public right-of-way.

(g) Fire abatement. Mobile businesses shall comply with the following requirements:

(1) Fire Extinguishers - Fire extinguishers are required for mobile businesses and shall be installed and maintained as follow:

All mobile businesses shall have at minimum one (2A10BC) portable fire extinguisher mounted in a conspicuous place. All portable fire extinguishers shall be serviced, inspected, and tagged annually.

(2). Emergency Egress- Emergency egress shall comply with the following:

Mobile businesses shall have a clear, unobstructed height over the aisle-way portion of the unit of at least 72 inches from floor to ceiling, and a minimum of 30 inches of unobstructed horizontal aisle space.

(3). Extension Cords-Extension cords shall not be frayed, worn, or in pedestrian traffic areas unless they are secured. Extension cords when used outdoors shall be of a grounded type and approved for outdoor use.

(4). Generators- All generators shall be located away from the public and public pathways with a barrier installed around every generator so as to prevent persons from tampering with electrical cords, and prevent persons from coming in contact with hot equipment. Fuel shall be stored in a UL or FM approved flammable liquid safety container in an approved location. Generators shall be grounded in an approved method. Generators shall not be refueled in areas occupied by the public.

(5). Wheel Chocks-Wheel chocks shall be used to prevent mobile vendors from moving.

(h) Nuisance. There shall not be any amplified music, use of any amplified sound system, excessively loud generators, and/or any moving or flashing lights. The mobile vendor must comply with all city noise ordinances and all nuisance provisions of the City of Laredo Code of Ordinances.

(i) Canopy. Any canopies, awnings, or any other attachments must be attached to the mobile business and be supported entirely by the mobile business and may not touch the ground.

(j) Trash. If the mobile vendor is selling a product that generates trash, they must have a portable trash receptacle attached to the mobile business and available for use by the mobile business's customers. The mobile vendor is responsible for proper disposal of solid waste and waste water pursuant to local and state rules, regulations and laws. The mobile vendor must maintain and keep clean a twenty-five (25) foot perimeter surrounding the designated location of the vending unit or vehicle.

(k) Generators. Portable generators must be securely affixed to the mobile business. Generators may not be excessively loud or in conflict with any City of Laredo noise and/or nuisance ordinances.

(l) Display of mobile vending business license. Mobile vendors must display their current mobile vending business license from the city at all times. The licenses will be made available for inspection upon request by the city.

(m) Sales only to pedestrians on the sidewalk. Mobile vendors are not permitted to sell, offer for sale, solicit or attempt to solicit or sell to occupants of any vehicle or to any person on a public street. A mobile vendor may only sell to persons on a sidewalk and may not sell directly or allow customers to access the mobile business from a public street.

Section 18-42. Violations and enforcement.

(a) License suspension or revocation. The City manager, or their designee, may suspend or revoke a license when the licensee commits one or more of the following acts or omissions:

(1) Failure to comply with any provision of this article or any of the City of Laredo Code of Ordinances;

(2) Conducting the licensed activity in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners;

(3) Cancellation of the building services department's authorization for a mobile business;
or

(4) The securing of any license by fraud or misrepresentation, to specifically include false or incorrect information on the license application.

(b) Nothing in this chapter shall be construed to prevent or in any manner interfere with the enforcement of any penalty contained in any other chapter of the Code of Ordinances.

Section 18-43. Penalty.

Any person who shall knowingly violate any provision of this article shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine or not more than five hundred dollars (\$500.00).

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

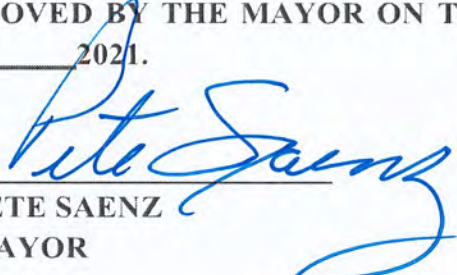
Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

Section 5. The publishers of the City Code of Laredo, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format, and number paragraphs to conform to the existing code.

Section 5. That after its passage by City Council, this Ordinance shall be published one (1) time and become effective not less than sixty (60) days from the date of the public hearing on this Ordinance, in accordance with the City Charter.


PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
18th DAY OF October 2021.


PETE SAENZ
MAYOR

ATTESTED:


JOSE A. VALDEZ, JR.
CITY SECRETARY

APPROVED AS TO FORM:


ANA SOPHIA GARCIA
INTERIM CITY ATTORNEY



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ORDINANCE 2021-O-129

AN ORDINANCE AMENDING THE CITY OF LAREDO LAND DEVELOPMENT CODE SECTIONS 24.62.5 AND 24.62.6 OF ARTICLE IV (ZONING REGULATIONS) TO ALLOW FOR THE ADMINISTRATIVE TRANSFER OF SPECIAL USE AND CONDITIONAL USE PERMITS; AMENDING THE LAREDO LAND DEVELOPMENT CODE SECTIONS 24.94.10 AND 24.93.12 OF ARTICLE VI (ADMINISTRATIVE PROCEDURES) TO REVISE THE CRITERIA AND PROCEDURES FOR THE REVOCATION OF SPECIAL AND CONDITIONAL USE PERMITS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

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