

ORDINANCE NO. O-21-001

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS REGULATING TEMPORARY OUTSIDE SALES, INCLUDING TENT SALES; PROVIDING FOR A PENALTY IN THE AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City enacted and has in place Ordinance O-15-030 which regulates, among other things, temporary outside sales, including tent sales; and

WHEREAS, the City has been asked to modify certain provisions of Ordinance O-15-030; and

WHEREAS, the City Council believes that it is in the best interest of the City to allow outside and tent sales; and

WHEREAS, the City is willing, on a temporary basis, to modify Chapter 18.70 and to suspend Sections 18.71-75 until this ordinance is repealed by City Council; and

WHEREAS, during the time when Sections 18.71-75 of Chapter 18.70 have been suspended, the following new regulations will govern outside and tent sales; and

WHEREAS, the City Council has determined that it is in the best interest to temporarily replace certain portions of Ordinance O-15-030 with these regulations;

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

1. The regulations found in Ordinance O-15-030, specifically, Sections 18.71 through 18.75 are suspended for 120 days beginning February 15, 2021 and replaced with the following temporary regulations:

Section 18.71. Definitions

18.71.1. Temporary Outside Sales means the placement of articles for sale on a private sidewalk or on a private lot, for temporary periods of time.

18.71.2. Tent Sale. A Tent Sale is any Temporary Outside Sale or display of goods that incorporates or uses a tent.

Section 18.72. Permitted Temporary Outside Sales

18.72.2. A Temporary Outside Sale shall not front I-45 and must be at least 700 feet from the I-45 Service Road.

18.72.3. Any Temporary Outside Sale must be approved, in writing, by the owner of the building. If the applicant is not the owner of the building the applicant must also have the written approval of 70% of all other tenants on the platted property to obtain a Temporary Outside Sales permit. Such written approval must be delivered to the City of Shenandoah at least 21 days in advance of the Temporary Outside Sale.

18.72.4. A Temporary Outside Sale may not occupy space that would cause the business to violate the minimum number of parking places required by City Ordinances or the Integrated Development Code.

18.72.5. A Temporary Outside Sale is not allowed more often than two times per month always separated by at least 14 days.

18.72.6. Temporary Outside Sales may only occur during the hours of 8:00 a.m. and 6:00 p.m.

18.72.7. No amplified sound is permitted in association with a Temporary Outside Sale.

18.72.8. No alcoholic beverage may be sold at a Temporary Outside Sale.

18.72.9. Under no circumstances may a Temporary Outside Sale be located within, nor encroach upon a fire lane or placed in any location that creates a hazard to traffic or public safety.

18.72.10. A permit issued by the City of Shenandoah is required for any Temporary Outside Sale.

18.72.11. Any signage associated with a Temporary Outside Sale and/or Tent Sale must comply with the City's Sign Ordinance, except a Temporary Outside Sale and/or Tent sale may display a maximum of two banner signs of 7 x 3 for a maximum of ten days before the event, and a maximum of ten signs of 18 x 24 inches will be permitted on the day of the event, but only located on property owned by the permit holder.

18.72.12. It shall be unlawful for any person or business to violate Sections 18.72.1-11.

18.73.1 Tent sales are permitted under the following circumstances:

18.73.1. A business within the City of Shenandoah will be permitted to have a maximum of two tent sale every month always separated by at least 14 days.

18.73.2. Any merchandize or items for sale must be removed from the sidewalk at the close of business.

18.74. All provisions of the ordinances of the City of Shenandoah in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Shenandoah, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

18.75. The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

18.76. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the code of Ordinances of the City of Shenandoah, and upon conviction, shall be punished by a fine not to exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED this the 12th day of January, 2022.

CITY OF SHENANDOAH, TEXAS

M. RITCHEY WHEELER, Mayor

ATTEST:

COURTNEY CLARY, City Secretary

APPROVED AS TO FORM:

WILLIAM C. FEREBEE City Attorney