



TEMPORARY VENDING OPERATIONS

Planning and Community Development
424 S. Castell Avenue, New Braunfels TX 78130
(830) 221-4050

The following policies are in effect for Temporary Vending Operations in the city of New Braunfels, per Section 5.23, Chapter 144, Zoning, New Braunfels Code of Ordinances:

Sec. 5.23-1. Applicability.

On improved property, a vendor may set up an accessory use as long as a permit is issued. Temporary vending operations are permitted in all non-residential districts with an approved site plan and permit. It is also expressly prohibited to solicit anywhere a sign is posted that says "NO SOLICITING" or words and/or symbols to that effect. Anyone wishing to peddle, solicit, or vend from private property may do so as long as all applicable codes and ordinances of the city are met, and a vending permit is issued by the City. There can be no such activity on vacant, unimproved property.

Sec. 5.23-2. Permit and Fee.

An application processing fee of \$25.00 is required for each vendor permit application. No fee is required for fundraising activities but an application and site plan are required.

Sec. 5.23-3 Merchandise.

All merchandise offered for sale must be consistent with the Zoning Ordinance.

Sec. 5.23-4 Time.

The temporary vendor permit is valid for a period not to exceed 90 days in the same location. A vendor cannot set up activities on the same property within 30 consecutive days of the expiration of a vendor permit for the same location by the same vendor.

Sec. 5.23-5 Parking.

Parking allocated for the patronage of the primary, permanent host business shall not be utilized for set up or parking of the temporary vending operation. Additional parking spaces must be available from the primary business. Parking must be paved. One space is required per vendor.

Sec. 5.23-6 Location.

All vending activities must occur on private property. No activity, parking, or signage may be located on public property or street right-of-way or within 25 feet of a street intersection, as measured at the right-of-way line, as to create a visual distraction. Anyone wishing to sell, take orders for immediate or future delivery, collect money or property, or attempt to do any of the foregoing, in exchange for a good or service, is prohibited from peddling, soliciting, or vending or advertising from any public street or park in the City of New Braunfels.

No vendor shall sell or vend within 1,000 feet of any public or private school grounds during regular class session hours.

Sec. 5.23-7 Setbacks.

All vendor activities must occur a minimum of 25 feet from the host business. All activities must be located a minimum of 50 feet from flammable combustible liquid or gas storage and dispensing structures.

Sec. 5.23-8 Refuse.

At least one 100 gallon garbage receptacle (dumpster) must be located on the host property and accessible to all vendor activities at all times during the permitted period. Permitted sites must be kept clean of all debris, trash, and litter at all times.

Sec. 5.23-9 Fire Extinguisher.

All temporary stands shall be equipped with a fire extinguisher.

Sec. 5.23-10 Noises.

No vendor shall use a sound device, including a bell, horn, voice (amplified or not) to attract attention.

Sec. 5.23-11 Codes and Ordinances.

The existing property and uses must be and remain in compliance with all applicable codes and ordinances. The accessory use of the vendor will be in compliance with all applicable codes and ordinances (e.g. vendor would meet zoning requirements for setbacks and permitted uses, fire codes, health codes, etc.)

Sec. 5.23-12 Restroom facilities.

The vendor and vendor's employees and customers must have unrestricted access to restrooms at all times the vendor is on the property. No portable restrooms may be used. The designated restroom must be in a public commercial operation and must be to code.

Sec. 5.23-13 Utilities.

No permanent water, sewer, electric, gas, or phone facilities may be connected to the vending operation. Any use of extension cords must be no longer than a maximum of 50 feet, including multiple cords. A maximum of 2 cords may be utilized. Extension cords may not cross an area of vehicular traffic.

Sec. 5.23-14 Maximum number of vendors.

An existing non residential property may have a maximum number of two permitted vendors at any one time.

Sec. 5.23-15 Food Establishments.

Vendors providing food services must be registered and inspected by the City Health Department. No seating may be provided for temporary food vending.

Sec. 5.23-16 Storage of inventory.

No inventory may be stored on trailers on the host property unless the trailers are not accommodating parking spaces that are additional to the host property's operations. No inventory may be viewed from the public right-of-way or from residential property during non-operating hours.

Sec. 5.23-17 Use of Vehicles for Vending.

Any vehicle used for vending purposes must be fully operational and capable of driving. Vehicles may not be placed on blocks or jacks. No permanent or temporary foundation may be placed or constructed for a temporary vending operation. Any external structures (decks, stairs, etc.) must be shown on the site plan and removed at the end of the permitted period.

Sec. 5.23-18 Signage.

All temporary vending operations must comply with *Chapter 106, Signs*. Sandwich boards, banners attached to a building, and pennants are permitted. No banners may be utilized which stand independently utilizing stakes, t-posts, or otherwise attached to the ground.

Sec. 5.23-19 Downtown vending.

Any vendor wishing to set up in the downtown area as delineated in Section 5.1-1(b), Figure 3, New Braunfels Code of Ordinances, must be permitted through the Main Street Department.

Sec. 5.23-20 Provision of Recreational Activities.

No recreational activities may be permitted through the Temporary Vending Operation ordinance.

Sec. 5.23-21 Special Events.

Special events may operate for a maximum of 10 days, at which time the vending operation must be removed. The event may recur a maximum of once per month. All temporary facilities (booths, utilities) must be removed between events. A minimum of 10 vendors must be present to be considered a special event. Port-a-potties are permitted with special events. No additional parking is required.

Sec. 5.23-22. Application Procedures.

An application shall be submitted to the Planning Department for review and decision. All vendors providing food or drink services shall also submit an application to the Health Department.

The Planning Director shall have the authority to make decisions concerning the site plan and other information provided during the consideration of a vendor permit. The Planning Director will approve or deny the permit application.

Sec. 5.23-23. Application Elements.

- (a) The vendor provides, with the application, a letter and drawing from the owner of the property stating:
 - (1) the name and home address of the vendor and any other employees or helpers;
 - (2) the purpose of the vending operation (for example. "sell watermelons");
 - (3) the dates and times of the operation;
 - (4) the location on the property where the vending will take place;
 - (5) the vendor and vendor's employees and customers have unrestricted access to bathrooms and off-street paved parking at all times the vendor is on the property;
 - (6) miscellaneous information necessary to determine the compliance of the property, improvements, and vendor operations with City applicable codes and ordinances.
- (b) The vendor provides, with the application, a copy of a State of Texas sales tax certificate issued to him/her for the proposed vending operation if the vended items are taxable.
- (c) The permit must be visibly posted on all vendor operations with the expiration date.

Sec. 5.23-24 Penalties.

- (a) Permits may be revoked by the Director of Planning, Chief of Police, Health Department, or other City authority for any of the following causes:
 - (1) Fraud, misrepresentation, or a false statement contained in the application for the license;
 - (2) Fraud, misrepresentation, or a false statement made in the course of conducting business;
 - (3) Any violation of any city code or ordinance that has not been brought into compliance within 24 hours of notification.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude;
 - (5) Conducting the business in an unlawful manner so as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.
- (b) If a vendor has violated this or any other applicable part of the City's municipal code while conducting business with a permit issued under this section, the business owner shall be penalized as follows:
 - (1) The first offense shall result in a warning and the operation shall bring the business into compliance within 24 hours or the permit shall be revoked. *\$500.00 for each offense per day.*
 - (2) The second offense shall result in the operation having the permit revoked immediately and the vendor shall be prohibited from obtaining a permit under this section for one year from the date of the offense. *\$1000.00 for each offense per day.*
 - (3) The third offense shall result in the operation having the permit revoked immediately and the vendor shall be prohibited from obtaining a permit under this section indefinitely. *\$2000.00 for each offense per day.*
- (c) If a host business has violated this or any other applicable part of the City's municipal code while allowing temporary vendor operations to be conducted with or without a permit issued under this section, the business owner shall be penalized as follows:
 - (1) The first offense shall result in a warning and the host shall correct the violation within 24 hours or the permit shall be revoked. *\$500.00 for each offense per day.*
 - (2) The second offense shall result in the operation having the permits of all the host's vendors revoked immediately and the host shall be prohibited from hosting temporary vendors for one year from the date of the offense. *\$1000.00 for each offense per day.*
 - (3) The third offense shall result in the operation having the permits of all the host's vendors revoked immediately and the host shall be prohibited from hosting temporary vendors indefinitely. *\$2000.00 for each offense per day.*

Sec. 5.23-25. Appeal Procedures.

- (a) Enforcement of this ordinance may be appealed to the City Council.
- (b) Appeal Actions.
 - (1) All appeal actions for a site plan application denied by the Planning Director or his/her designee shall be submitted to and reviewed by the City Council, if requested by the applicant.
 - (2) The appeal shall be scheduled for consideration of the site plan on the regular agenda of the Council within 30 days after the submission is received, or, in the case of an incomplete submission, 30 days after the submission is deemed complete.
 - (3) The Council shall review the site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the concept plan or site plan.
 - (4) The City Council shall determine final approval or disapproval of all site plan appeals.

If you wish to vend from private improved property, please contact the owner of the property and complete and return this page and the following page. Once all information is submitted and verified, a temporary vending permit will be issued. **Contact the Planning Department if you have questions at (830) 221-4050.**

VENDOR AGREEMENT

Date

TO: Director of Planning and Community Development
City of New Braunfels
424 S. Castell Avenue
New Braunfels, Texas 78130

FROM: _____
Typed or printed name of owner of land

Home address of owner

Phone #

As owner of the land located at _____

in New Braunfels, Texas, I give permission to _____

whose home address is _____

and whose telephone number is _____ to vend (state product) _____

_____ from a location on my property as shown on the attached drawing.

The dates and hours of operation for the vendor will be from _____ to _____
(start date) (end date)

(90 days maximum), during the hours of _____.

The vendor and vendor's employees and customers shall have free and unrestricted access to my off-street paved parking and my restrooms. To the best of my knowledge, my property and all improvements thereon are in compliance with all applicable codes and ordinances of the city.

I accept any and all legal responsibilities that I may incur as a result of granting this permission, and both the vendor and myself and all our heirs, executors, and assigns agree to hold the city of New Braunfels harmless from any property damage, personal injury, or illness that may result from this agreement.

Both the owner and the vendor agree to abide by the contents of this agreement and all applicable city codes and ordinances. The vendor will provide a copy of a valid state of Texas sales tax certificate issued to the vendor for taxable items.

Property Owner Signature Date

Property Owner Name (PRINT)

Vendor Signature Date

Vendor Name (PRINT)

**A LOCATION MAP MUST ACCOMPANY THE REQUEST FOR A VENDING PERMIT.
PLEASE USE THE BACK OF THIS PAGE IF NECESSARY TO ACCOMMODATE YOUR DRAWING.**

Name of Owner of Land: _____

Name of Vendor: _____

Street Address Where Vendor Will Locate: _____

Product to Be Vended _____

Show names of streets, location of buildings and structures (including signs), lot lines, fences, and number of paved off-street parking spaces. Also ***show where the vendor will locate*** and any signage, if any, vendor will use. While not having to be drawn to scale, distances and dimensions must be correct.

Please contact the Planning Department with specific questions at (830) 221-4050.