

RESOLUTION NO. 2005- 69 R

A resolution granting variances to Sections 14-52(a), 14-55(a), and 14-56(a) of the Victoria City Code, which govern the City's requirements for itinerant vendors, solicitors, and outdoor sales to vendors operating at the Noche en Mejico (Night in Mexico) Celebration on May 6th and 7th, 2005; and declaring an effective date.

Section 14-52(a) of the Victoria City Code provides as follows:

Sec. 14-52(a). Itinerant vendors--Permit required; application.

(a) It shall be unlawful for any itinerant vendor to sell or offer for sale any goods or services, from a fixed location visible from a public street, or from house to house or from place to place, without first obtaining a permit from the city secretary; provided, that itinerant vendors engaged exclusively in interstate commerce shall register in accordance with section 14-55. Each individual who qualifies as an itinerant vendor herein shall be required to separately apply for and receive the permit herein prior to engaging in any activities as an itinerant vendor.

Section 14-55(a) of the Victoria City Code provides as follows:

Sec. 14-55(a). Commercial outdoor sales; interstate commerce; registration required.

(a) It shall be unlawful for any person other than an itinerant vendor to sell or offer for sale any goods or services from house to house or place to place, or from a fixed location visible from a public street, without first registering with the city secretary in accordance with this section; provided, that such persons conducting sales on behalf of a charitable, nonprofit, or religious organization or purpose shall register in accordance with section 14-56.

Section 14-56(a) of the Victoria City Code provides as follows:

Sec. 14-56(a). Charitable solicitors and sales, registration required.

(a) It shall be unlawful for any person to solicit or accept donations or contributions, or to sell or offer for sale any goods or services, on behalf of any charitable, nonprofit, or religious organization or purpose, from house to house or place to place, or from a fixed location visible from a public street, without first registering with the city secretary as provided herein.

Section 2-95 of the Victoria City Code authorizes the City Council to grant a variance from City Code requirements when it deems such action proper and the City Council deems it proper to issue the variances described in this resolution.

THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Variances to Sections 14-52(a), 14-55(a), 14-56(a) of the Victoria City Code, which govern the City's requirements for itinerant vendor permits and commercial outdoor sales permits to vendors operating at the Noche en Mejico (Night in Mexico) Celebration on May 6th and 7th, 2005, are granted. These variances shall only be applicable on the aforesaid dates.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 19th day of April, 2005.

AYES: 5


NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 19th day of April, 2005.



ATTEST:


SCARLET SWOBODA, City Secretary

Distribution: Legal Department
 City Manager
 Parks Department



WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:


DAVID ATMAR SMITH, City Attorney

Copy Sent: APRIL 22, 2005