

**CITY OF GUNTER, TEXAS**

**ORDINANCE NO. 2019-09-19-07**

**AN ORDINANCE OF THE CITY OF GUNTER, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF GUNTER BY REVISING CHAPTER 4, SECTION 4.05.011.2 RELATING TO HOURS OF OPERATION FOR MOBILE FOOD VENDORS, CONTAINING A REPEALER CLAUSE; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 PER VIOLATION; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE**

**WHEREAS**, the City Council desires to allow mobile food vendors to operate in the City of Gunter; and

**WHEREAS**, the City Council desires to change the hours of operation for mobile food vendors to better serve the needs of residents and visitors to the city; now therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNTER, TEXAS, THAT:**

**SECTION 1.** CHAPTER 4: BUSINESS REGULATIONS, Section 4.06.011.2 of the Gunter Code of Ordinances is hereby amended to read as follows:

2. A mobile food vendor shall not conduct sales at a stationary location:

- a. For a duration exceeding eight hours per location on private property and four (4) hours on public property per day. Allowances may be granted by the city manager or his/her designee for additional time depending on type of activity or event.
- b. For a duration exceeding sixty (60) minutes on any public street or public streets adjacent to public parks and recreational facilities, next to fire lanes and no-parking designated areas. Mobile vendors parking on public streets may not move to a new location with prior approval from the City.
- c. On an unpaved surface.
- d. On any public street designated on the city's thoroughfare plan as a collector or greater.
- e. In congested areas where the operation impedes vehicular or pedestrian traffic.
- f. Between the hours of 11:00 p.m. and 5:00 a.m.

**SECTION 2. REPEALER CLAUSE.** This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any

provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

**SECTION 3. SAVINGS CLAUSE:** If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**SECTION 4. PENALTY CLAUSE:** Each violation of any of the provisions of this Ordinance shall constitute a separate offense and shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000.

**SECTION 5. PUBLICATION AND EFFECTIVE DATE:** This Ordinance shall take effect immediately upon its passage and publication according to law.

**SECTION 6. OPEN MEETING:** It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

**PASSED AND ADOPTED** by the City Council of the City of Gunter, Grayson County, Texas, on this 19th day of September, 2019.

AYES 4  
NAYS 0  
ABSTENTIONS 0

Approved:



Mark Millar, Mayor

Attest:



Detra Gaines, City Secretary

