



NOTICE OF SPECIAL MEETING

City Council – City of Quitman, Texas

Friday, June 14, 2013, 4:30 PM

City Council Chambers, City Hall - 401 E Goode Street, Quitman, TX
(use entrance at rear of City Hall on Lipscomb Street)

Notice is hereby given that a special meeting of the City Council of the City of Quitman, Texas will be held on the 14th day of June, 2013, at 4:30 PM in the City Hall at 401 East Goode Street, Quitman, Texas, in the City Council Chambers of City Hall which can be reached by using the entrance at the rear of City Hall on Lipscomb Street, at which time the attached subjects will be discussed, to-wit:

ITEM 1 – DISCUSS, CONSIDER, AND ACT ON ORDINANCE 061413(01) –

AN ORDINANCE SUSPENDING CERTAIN SECTIONS OF THE CITY OF QUITMAN, TEXAS CODE OF ORDINANCES FOR A SPECIFIC EVENT TO ALLOW OPEN PERMITTING OF GARAGE SALES AND ITENERANT VENDORS DURING A SPECIFIC EVENT (HIGHWAY 37 YARD SALE)

THE CITY COUNCIL OF THE CITY OF QUITMAN RESERVES THE RIGHT TO RECESS THE MEETING AND CONDUCT AN EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071-551.088.

Dated the 11th day of June, 2013.
Quitman, Texas

By: _____
Michael E. Hall, City Secretary–Administrator

PERSONS WITH DISABILITIES

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Mike Hall at 903-763-2223 two working days prior to the meeting so that the appropriate arrangements can be made.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named City of Quitman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice and attached agenda on the front door windows of the City Hall of Quitman, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on or before June 11, 2013, at 4:30 PM and remained so posted continuously for at least 72 hours preceding and until the scheduled time of said Meeting.

Dated the 14th day of June, 2013.
Quitman, Texas

By: _____
Mike Hall, City Secretary–Administrator

(L) A parade permit may only be denied or revoked if the information contained in the application is found to be false or incomplete in any material aspect or the permittee fails to obey any lawful order of the Chief of Police, Fire Chief, Fire Marshal or their respective designees, respecting the conduct of the parade, or any term or condition to which the approval of the parade permit is made subject.

(M) Upon issuance of a parade permit (10 days before parade) the Chief of Police shall forward a true copy of same to the Fire Chief, Director of Public Works and the City Secretary/Administrator. (1980 Code, § 11.13) (Ord. passed 2-10-1994)

GARAGE SALE PERMITS

§ 110.25 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSONAL PROPERTY. Described as clothing, glassware, toys, books, kitchen appliances, household goods, shop tools and equipment, lawn tools, mowers and the like.

RESIDENTIAL AREA. Residential property, as is described by the city zoning ordinance as R-1, R-2, R-3, R-4, zoned districts.
(Ord. 901108, passed 11-8-1990)

§ 110.26 EXCLUSION.

(A) This subchapter is not intended to be used to sell agricultural produce in residential areas.

(B) This subchapter is not intended to be used to sell any other product that is described as a part of the business zoned districts.
(Ord. 901108, passed 11-8-1990)

§ 110.27 PERMITS.

(A) The City Secretary/Administrator shall issue a temporary use permit for the purpose of permitting an individual to sell his or her personal property on his or her residential property, provided the following conditions and requirements are met.

(B) (1) Such sales shall not be conducted longer than 72 hours or 3 days in length.

(2) Such sale permits may only be issued to the same individual 3 times in a calendar year.
(Ord. 901108, passed 11-8-1990)

§ 110.28 ENFORCEMENT.

(A) Temporary permits shall be issued by the City Secretary/Administrator at the City Hall.

(B) The Police Department shall enforce this subchapter.
(Ord. 901108, passed 11-8-1990)

§ 110.29 PERMIT FORM.

The form for the garage sale permit is set forth in Appendix A to this chapter.
(Ord. 901108, passed 11-8-1990)

DRILLING AND MINING

§ 110.40 DRILLING AND MINING; PERMIT REQUIRED.

(A) It is unlawful to commence the drilling or an oil and/or gas well or any mining operation within the corporate limits of the City of Quitman, Texas, without first obtaining a drilling/mining permit from the City Council. The Quitman City Council may require the applicant to submit sufficient information in regard to the drilling/mining application.

(B) Based on the information submitted and other pertinent facts, the Council shall either grant or deny the permit in a timely manner.
(Ord. 900213, passed 2-13-1990) Penalty, see § 10.99

PUBLIC PROPERTY. Any property open or devoted to public use or owned by the city, county, state or federal government, including but not limited to parks, buildings, sidewalks, streets and public parkways.

SALE or SELLING. Shall include the exchange of goods, wares or merchandise in exchange for consideration, or the offer, exhibition, solicitation or taking of orders for the sale of goods, wares or merchandise, or the distribution of commercial printed matter in aid of any such sale.

TRANSIENT BUSINESS. The sale of goods in or on any real property within the city owned, leased or rented by the vendor for a period of at least 60 consecutive days.
(Ord. 920514, passed 5-14-1992)

§ 111.02 ON PUBLIC PROPERTY.

(A) Except as herein provided, it shall be unlawful for any itinerant vendor to sell any goods on public property or to distribute commercial printed matter in aid of any such sale.

(B) It is a defense to prosecution under this section that the person selling goods on public property was:

(1) Doing so, in connection with official government business;

(2) Doing so by authority of a contract, lease or other agreement with the city, county, state or concession on designated areas of public property; or

(3) Doing so under the authority of some other valid permit issued by the city.

(Ord. 920514, passed 5-14-1992) Penalty, see § 111.99

§ 111.03 ON PRIVATE PROPERTY; PERMIT REQUIRED; APPLICATIONS.

(A) It shall be unlawful for any itinerant vendor to sell goods on private property within the city without an itinerant vendor's permit issued in accordance with the provisions of this subchapter.

(B) The permit required by the preceding division (A) shall be secured prior to the actual sale, offer, exhibit or solicitation of orders for the sale of goods by an itinerant vendor.

(C) Application for an itinerant vendor's permit may be secured during business hours at the City Hall, Quitman, Texas 75783.

(D) At the time of application, each itinerant vendor shall provide, at a minimum, the following data for identification of the applicant and each employee, agent or representative who will sell, offer, exhibit

or solicit orders on his or her behalf:

- (1) Name;
 - (2) Address (residence and business);
 - (3) Social security number;
 - (4) Date of birth;
 - (5) Telephone numbers (residence and business);
 - (6) Name and address of the person, corporation or other entity from whom the goods, wares or merchandise to be sold is secured (sources of goods);
 - (7) Recent photograph (or photocopy of the same) of applicant and all employees, agents or representatives;
 - (8) Current driver's license number of applicant and all employees, agents or representatives;
 - (9) A written statement, signed and dated by the owner of the private property on which the vendor proposes to sell, evidencing the consent of the owner to the sale of goods thereon by the vendor; and
 - (10) A true and correct copy of the applicant's current state sales tax permit or, in the event the applicant is an agent, employee or representative of another, a true and correct copy of his or her principal's current state sales tax permit.
- (E) Each application for itinerant vendor's permit shall be accompanied by a permit fee in the amount to be set by the City Secretary/Administrator with approval of the City Council; an additional fee, also set by the City Secretary/Administrator, shall be required for each employee, agent or representative of the applicant vendor who will sell, offer, exhibit or solicit orders for the sale of goods, wares or merchandise for or on behalf of the applicant vendor.
- (F) Each itinerant vendor shall be required to receive his or her permit in person and acknowledge receipt thereof on a form provided for this purpose by the City Secretary/Administrator.
- (G) Each itinerant vendor's permit issued under this subchapter shall be valid for a period up to 90 days from the date of issuance and each permit shall state the term, which fee set to be \$20 and \$2 for each employee.
- (H) The primary term indicated in the preceding division (G) may be extended once for up to an additional 45 days by filing a renewal application on a form provided for this purpose by the office of the City Secretary/Administrator prior to the expiration day of the primary permit term.

(I) Each renewal application shall be accompanied by a permit renewal fee of \$10 for each applicant vendor and \$2 for each employee, agent or representative selling, offering, exhibiting or soliciting orders for the sale of goods on behalf of the applicant vendor.

(J) A permit issued under the authority of this subchapter constitutes a purely personal privilege which may not be sold, assigned or otherwise transferred and shall not inure to the benefit of a person other than the original permit holder.

(K) Notwithstanding the issuance of a permit hereunder, no itinerant vendor shall sell goods in an area or zoning district or upon premises where such activity is prohibited or restricted or in violation of any law or ordinance otherwise prohibiting, restricting or regulating the activity.
(Ord. 920514, passed 5-14-1992) Penalty, see § 111.99

§ 111.04 DISPLAY OF PERMIT; UNAUTHORIZED USE AND REPRODUCTION PROHIBITED.

(A) A permit issued under this subchapter shall be prominently displayed in a conspicuous place such that the same may be easily read at any time during the sale, offer exhibition, or solicitation of orders for the sale of goods.

(B) It shall be unlawful for an itinerant vendor or any employee, agent or representative of the itinerant vendor to sell goods in the city without prominently and conspicuously displaying his or her itinerant vendor's permit as required in the preceding division (A).

(C) It shall be unlawful for any person to present, display, or to sell goods within the city under the authority of an itinerant vendor's permit issued to another.

(D) It shall be unlawful for any itinerant vendor to fail or refuse to display or exhibit his or her itinerant vendor's permit or other identification upon request by the City Secretary/Administrator or his or her designee, any member of the city Police Department or other law enforcement officer or any citizen.

(E) It shall be unlawful for any itinerant vendor to sell goods under the authority of any false, counterfeit, invalid or altered itinerant vendor's permit.
(Ord. 920514, passed 5-14-1992) Penalty, see § 111.99

§ 111.05 EXEMPT ACTIVITIES.

This section shall not apply to the following activities:

(A) *Non-retail sales.* The sale of goods by a manufacturer or wholesaler to a retailer or to another

SUSPENSION OF GARAGE SALE PERMIT AND ITINERANT VENDOR PERMITTING FOR SPECIFIC EVENT

ORDINANCE 061413(01)

**AN ORDINANCE SUSPENDING CERTAIN SECTIONS OF THE CITY OF QUITMAN, TEXAS
CODE OF ORDINANCES FOR A SPECIFIC EVENT TO ALLOW OPEN PERMITTING OF GARAGE SALES
AND ITENERANT VENDORS DURING A SPECIFIC EVENT (HIGHWAY 37 YARD SALE)**

WHEREAS, the 11th Annual Highway 37 Yard Sale as sponsored by the Greater Quitman Area and Mineola Chambers of Commerce will be held on June 21st and 22nd, 2013; and

WHEREAS, the suspension of certain regulations during this time is necessary to facilitate such event; and

WHEREAS, this event is held each year with the Council previously providing ordinances each time for the purposes of suspending those regulations; and

WHEREAS, the Council desires to provide an ongoing mechanism to provide for the suspension of such regulations for this and each subsequent annual event;

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

All activities related to the Annual Highway 37 Yard Sale, in this and subsequent years, as would be affected under Sections 110.27 [regarding Garage Sale Permits] and 111.03 [regarding itinerant vendors on private property] are hereby permitted for the time period of the event, as if they were permitted as required by such sections and the requirement for any specific individual permit as required by those sections is hereby suspended for the time period of this annual event, and that

No such sales shall be permitted in the park area or parking lot of Hogg Park.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF QUITMAN, TEXAS THIS 14TH DAY OF JUNE, 2013.

IN WITNESS WHEREOF WE HAVE AFFIXED OUR SIGNATURES HERETO THIS 14TH DAY OF JUNE, 2013.

APPROVED:

J.R. Evans, Mayor

ATTEST:

Michael E. Hall, City Secretary