Amending
Article XI: Business Regulations
Special Event Permits
and
Temporary Vendor/Exhibitor Permits for Special Events

PURPOSE.

The City recognizes the need to protect the health and public safety for event participants and comply with the fire codes of the City of Balcones Heights.

SCOPE.

The provisions of this section shall not apply to Temporary Food Vendor Permits.

DEFINITIONS.

(A) PERMIT FEE – a fee as set forth in the City's Fee and Permit Schedule shall be assessed and required as a condition of obtaining a Temporary Vendor Permit.

(B) TEMPORARY/SPECIAL EVENT – a scheduled event that is of a commercial, entertainment, civic, political, public or educational nature.

(C) TEMPORARY EXHIBITOR – shall include person(s) who displays works of art or other items of interest at a scheduled event or exhibition and not conducting sales.

(D) TEMPORARY VENDOR - shall include person(s), entities or establishments operating at a temporary location and conducting limited, seasonal sales, no longer than three (3) consecutive days within the city limits of Balcones Heights.

a. Seasonal Christmas Tree Vendors.
    i. Christmas tree sales shall be allowed with the following conditions:
    ii. Christmas tree sales are permissible from November 15th thru December 25th.
    iii. The tree vendor must provide to the city a lease or user agreement signed by both the operator of the tree sales and the property owner;
    iv. All tree sales must be conducted in a zoning district allowing retail sales or on the property of the church, school or other nonprofit organization which is conducting the sale as a fund raiser for their organization.
    v. At the time of filing an application for a Christmas tree sales license, a Christmas tree sales permit fee shall be paid in the amount provided in the city fee schedule.

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SPECIAL EVENT FEE.

(1) Special events sponsored by school, church, non-profit organizations or governmental entities such as fairs, festivals, haunted houses, pumpkin patches, horseshoe and washer tournaments, chili cook-offs, carnivals, and concerts held on the hosting organizations property are allowed without an event permit. Temporary food licenses, noise permits, other permits or licenses may be required.
(2) Other special events including but not limited to fairs, festivals, haunted houses, chili cook-offs, run/walks, carnivals, concerts, block parties and other events or functions that could interfere with traffic and flow of emergency responder personnel and units will be with the approval of the city administrator and the chief of police and may require an event permit. There shall be paid at the time of filing the application for a special event permit a fee in the amount provided in the city fee schedule.
(3) The City Administrator or his designee may choose to waive fees for special events organized, approved, or sponsored by the City of Balcones Heights.

VENDOR/EXHIBITOR FEES.

(1) There shall be a fee collected from every vendor/exhibitor participating in a scheduled event in the pursuit of selling merchandise, goods, or services.
(2) The City may choose to waive fees for existing businesses that have been issued a Certificate of Occupancy in Balcones Heights, and desire to operate a temporary vendor booth as part of the Special Event being held within the City. Applicant must request waiver to the Temporary Vendor/Exhibitor Permit fee.
(3) The City Administrator or his designee may choose to waive fees for vendors/exhibitors at special events organized, approved, or sponsored by the City of Balcones Heights.

ISSUANCE OF PERMIT; EXPIRATION; NONTRANSFERABLE; NON-REFUNDABLE.

Upon payment of the permit fee the Community Development Director shall issue a permit to the person entitled thereto dated on the day of its issuance and expiring as noted on the permit. Such permit shall not be transferable or refundable.

APPLICATION

An application for a temporary vendor/exhibitor permit under this section shall contain all information necessary and relevant to determine whether a permit may be issued. Such application shall be obtained from and shall be on a form prescribed by the Community Development office. All applications for a temporary vendor/exhibitor permit under this division shall include, but not be limited to the following:

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(1) Name and location of event.

(2) Event date(s) and hours of operation of vendor/exhibitor permit.

(3) An application processing fee as set forth in the City's Fee and Permit Schedule.

(4) Name, address, phone, and driver's License number of the applicant, and any other proof or identification which the city deems necessary.

(5) Description of the goods, products, and/or services to be sold or exhibited.

(6) Any other information relating to the application or applicant in determining whether approval of such vendor/exhibitor permit is consistent with the best interest of the city, ordinances and regulations.

(7) The City of Balcones Heights shall approve a permit application only upon finding that the permit shall be in the best interest of the City and serve the public need, taking into account existing establishments serving the general public in the vicinity of the permitted location.

(8) Property Owner/Management signature on application.

PERMIT DISPLAY

(a) A Temporary Vendor/Exhibitor permit issued under this section shall be displayed at the location of the space/booth at the event during business hours of operation.

(b) Permits shall be used by the Vendor/Exhibitor to whom issued and is not transferable to any other vendor, exhibitor, person or business.

(c) Failure to display a Temporary Vendor/Exhibitor Permit granted under this section shall result in the same penalty as if the vendor has no permit.

SUSPENSION OR REVOKATION OF LICENSE

(a) Any permit issued under this section may be suspended or revoked by the City of Balcones Heights after notice and a public hearing, for any of the following reasons:

(1) Fraud or misrepresentation in the application for the permit;

(2) Fraud or misrepresentation in the course of conducting the business of vending or exhibiting;

(3) Violation of any of the terms of the permit;

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(4) Violation of any of the terms of this section; and/or

(5) Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety, or welfare.

(b) Upon suspension or revocation, the City Administrator shall deliver written notice to the permit holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the vendor's place of business or mailed to the vendor's last known address.

PENALTY

GENERAL PENALTY

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding $500.00. However, if the maximum penalty provided by this Code for any such offense is greater than the maximum penalty provided for the same or a similar offense under the laws of the state, then the maximum penalty for violation as provided by state statute shall be the maximum penalty under this Code. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

(B) A fine or penalty for the violation of a rule, ordinance, or police regulation may not exceed $500.00. However, a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, may not exceed $2,000.00. (Tex. Local Government Code Ann. §54.001 (b)).

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