

ORDINANCE NO. 349-93

AN ORDINANCE AMENDING CHAPTER 4, ITINERANT BUSINESSES, THE CODE OF THE CITY OF WILLOW PARK, TEXAS, RELATING TO REGULATION OF ITINERANT BUSINESSES WITHIN THE CITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

I.

Chapter 4, Section 4.602, of the Code of Ordinances, City of Willow Park, Texas, is hereby amended by deleting the existing section and substituting the following:

Section 4.602 Unlawful Acts

It shall be unlawful for any itinerant business to sell or offer to sell any item or items within the City of Willow Park if it is not:

1. Within property that is not part of a flea market, or;
2. If it is not housed within a properly constructed and permitted building, or;
3. Within a properly zoned PD area of the City of Willow Park.

Any such enterprise must obtain a permit prior to engaging in such business.

II

Chapter 4, Section 4.604(d), of the Code of ordinances, City of Willow Park, Texas, is hereby amended by deleting the existing section and substituting the following:

Section 4.604(d)

Copy of a Limited Sales Tax Permit used by the State of Texas or proof that the goods sold are not subject to such sales tax and the Applicant shall furnish documentation or make other assurances satisfactory to the City Administrator that such sales tax revenues will be properly rendered to the City of Willow Park.

III.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

IV.

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

V.

Wherever in this Ordinance an act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of an act is required or the failure to do an act is declared to be unlawful, the violation of any such provision of this Ordinance shall be punished as provided in Chapter 1, Section 1F of the Code of the City of Willow Park, Texas, for each offense or for each day such offense shall continue if it is one classified as a continuing offense. No penalties shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas.

VI.

This ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED this the 21st day of Sept., 1993.

APPROVED:

*William J. Clemens*

WILLIAM J. CLEMENS, Mayor

ATTEST:

*Barbara Kilough*

City Secretary

APPROVED:

*Walter W. Leonard*

WALTER W. LEONARD, City Attorney