

AN ORDINANCE **2010-01-14-0014**

AMENDING CHAPTER 16, ARTICLE IX, OF THE CITY CODE TO EXPAND ENFORCEMENT EFFORTS AGAINST PEDDLING LICENSEES AND THEIR AGENTS; CLARIFY THE NUMBER OF TIMES PEDDLING WITH A LICENSE IS PERMITTED ON PRIVATE PROPERTY; AND PROVIDE FOR PUBLICATION.

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WHEREAS, peddling on private property is an issue of major concern to the City of San Antonio and its citizens because the problem impacts every sector of the City and the health and safety of its citizens; and

WHEREAS, the amendment, in conjunction with city department initiatives, and continued policing, will increase the City's ability to control temporary vending on private property; and

WHEREAS, this amendment authorizes enforcement against licensees and their agents for violations of this code; and

WHEREAS, this amendment makes it unlawful for any person, entity, or an agent or employee for a person or entity to use a license to peddle on private property more than three times in any calendar month; and

WHEREAS, this amendment eliminates vague and general language and provides clarity to the number of times peddling is allowed on private property; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 16, Article IX, of the City Code of San Antonio, Texas is hereby amended to expand enforcement efforts, clarify the number of times vending is allowed on private property; additions are signified by underline, deletions are signified by ~~strikeout~~ text as follows:

Sec. 16-239. Hours during which activities prohibited.

(a) It shall be unlawful for any person to intentionally peddle, canvass or solicit, or intentionally cause or knowingly permit to be peddled, canvassed, sold or solicited any tangible property under a license as required by this article on sidewalks and at public places between the hours of 11:00 p.m. and 8:00 a.m. or door-to-door at private residences between the hours of 8:00 p.m. and 8:00 a.m.

(b) Except as otherwise allowed in this article it shall be unlawful for any person ~~other than the actual real property owner~~, entity, or an agent or employee for a person or entity to use a license issued under this article to peddle, canvass or solicit or cause to be peddled, canvassed or solicited any tangible property or services on any portion of a privately owned real property more than three (3) times within any calendar month ~~thirty-day period regardless of the~~

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~~authorization of the real property owner.~~ For the purposes of this subsection all usage within a twenty-four-hour day shall be counted as one (1) use. All lots, tracts, parcels, or sections of land sharing a street address or parking area shall be considered one (1) real property under this subsection.

~~(c) The restrictions in subsection (b) above shall not apply if the usage is covered by an affirmative defense within this article.~~

~~(d) The restrictions in subsection (b) above shall not apply if the peddler, canvasser, or solicitor using a license issued under this article secured the sworn and notarized written authorization from the private real property owner prior to the effective date of that subsection. Such authorization shall not be required to include specific dates and times for the authorized usage.~~

~~(e) The restrictions in subsection (b) above shall not apply if all the tangible property is carried at all times on or by a non-stationary person using a license issued under this article and actively engaged in the peddling, canvassing, or soliciting of such tangible property.~~

SECTION 2. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 3. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

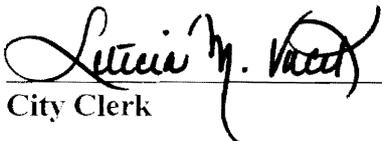
SECTION 4. The publishers of the City Code of San Antonio, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 5. This ordinance shall be effective on January 24, 2010.

PASSED AND APPROVED this 14th day of January, 2010.

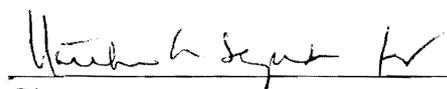

M A Y O R
JULIÁN CASTRO

ATTEST:



City Clerk

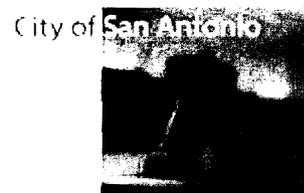
APPROVED AS TO FORM:



City Attorney



Request to
COUNCIL



Agenda Voting Results - 17

Name:	17						
Date:	01/14/2010						
Time:	10:51:41 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 16 (Licenses and Business Regulations) of the City Code of the City of San Antonio, Texas to clarify the number of times peddling is allowed and to hold property owners as well as peddlers responsible for activity in excess of the time prescribed. [T.C. Broadnax, Assistant City Manager; David D. Garza, Director, Housing and Neighborhood Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2	x					
Jennifer V. Ramos	District 3		x				x
Philip A. Cortez	District 4		x			x	
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

Peddler's Ordinance Amendment

**Agenda Item #17
January 14, 2010**

Issue

- **Some Peddlers have circumvented the intent of the City Code to limit the number of days of peddling at various locations**
 - Involve a multitude of family members or partners who then obtain a peddler's permit for different days of the week
- **Some goods are sold on a continual basis**

Background

- **Housing and Neighborhood Services received Council Consideration Request (CCR) requesting staff to explore amending the current language of the Peddler's ordinance**
- **Approved by:**
 - Governance Committee-November 18, 2009
 - Quality of Life Committee-December 8, 2009

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Purpose of Proposed Amendment

The purpose of this proposed amendment is to clarify the number of times peddling is allowed and to hold property owners and peddlers responsible for activity in excess of the time prescribed in the current ordinance

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Staff Recommendation

- **Staff recommends that the amendment be included in the City Code, Chapter 16, Section 16-239**