

ORDINANCE NO. 2021-21

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, REPEALING CHAPTER 4, ARTICLE 4.10, SECTION 4.10.002(G); PROVIDING REVISED REGULATIONS PERTAINING TO MOBILE FOOD VENDOR OPERATIONS ON PRIVATE PROPERTY AND COMMERCIAL BUSINESS PROPERTY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Ovilla, Texas, does find and determine that it is in the best interest of the safety, health and welfare of the citizens of the City of Ovilla, Texas, to adopt regulations pertaining to the operation of mobile food vending operations on private property and on commercial business property within the city limits.

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

SECTION 2. AMENDMENT OF CHAPTER 4, ARTICLE 4.10, SECTION 4.10.002(G), OF THE OVILLA CODE OF ORDINANCES

Chapter 4, Article 4.10, Section 4.10.002(g), of the Ovilla Code of Ordinances is hereby amended to read as follows:

ARTICLE 4.10 MOBILE FOOD VENDORS

* * *

Sec. 4.10.002 Operations and Regulations

* * *

- (g) Mobile food vendors who conduct business on any private property, other than commercial business property, that is not owned by the mobile food vendor shall provide the City with written and signed permission of the property owner and may operate at such location subject to the provisions of Section 4.10.002(a)-(d) above. Commercial business owners may operate or allow the operation of stationary mobile food vendors on such owners' commercial business property during the owners' normal business hours and subject to Section 4.10.002(a) and (b) above.

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SECTION 2. SAVINGS CLAUSE

In the event any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

[Remainder of page intentionally blank. Signature page follows.]

PASSED, ADOPTED and APPROVED by the City Council of Ovilla, Texas on this the

12 day of OCTOBER, 2021.



Richard Dormier, Mayor

ATTEST:



Glennell Miller, Interim City Secretary



APPROVED AS TO FORM:

R.G. MacFarlane, Jr.
Ron G. MacFarlane, Jr., City Attorney