

**ORDINANCE No. 02-11-1**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS AMENDING THE 1985 CITY OF ENNIS ZONING ORDINANCE REGARDING THE CRITERIA NEEDED FOR OBTAINING A CERTIFICATE OF OCCUPANCY FOR OPEN AIR VENDING.**

**Whereas**, a necessity exists to amend City of Ennis Ordinance No. 85-6-8 as amended by Ordinance No. 92-5-4, the 1985 City of Ennis Zoning Ordinance, to insure the health and safety of the citizens of Ennis, Texas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS:**

**SECTION I**

That Subsection 15-201(A)(3) of Section 15-200 of City of Ennis Ordinance No. 85-6-8 as amended by Ordinance No. 92-5-4 be amended to read:

3. Open air vendors are allowed to obtain two (2) Certificates of Occupancy (CO) per calendar year. Each CO can be purchased for One Hundred Dollars (\$100.00). Each CO will be for seven (7) consecutive calendar days, with the date of issuance counting as Day 1 and will end at 5:00 PM on Day 7. There must be at least forty-five (45) calendar days between sales periods, except for perishable produce (fruits and vegetables).

**SECTION II**

That Subsection 15-201(A)(4) be added to Section 15-200 of City of Ennis Ordinance No. 85-6-8 as amended by Ordinance No. 92-5-4:

4. Hours of operation for open air vendors shall be from 9:00 AM to 5:00 PM for the dates listed on the permit.

**SECTION III**

That Subsection 15-201(A)(5) be added to Section 15-200 of City of Ennis Ordinance No. 85-6-8 as amended by Ordinance No. 92-5-4:

5. Open air vending shall only be allowed on open lots (those with no existing structures) in Commercial or Industrial zoning districts. Open air vending shall at no time be allowed in a Planned Development District. Lots meeting these requirements are allowed to be used for open air vending purposes only twice per any calendar year.

**SECTION IV**

That Subsection 15-201(A)(6) be added to Section 15-200 of City of Ennis Ordinance No. 85-6-8 as amended by Ordinance No. 92-5-4:

6. An Applicant for an Open Air Vendor Permit and Certificate of Occupancy must comply with the following:
  - a. Complete and sign an "Application For Open Air Vendor Permit" in the name of the company or individual as it appears on the Texas Sales And Use Tax Permit.

- b. Submit a letter from the property owner of record (per City tax rolls) authorizing the vendor to operate on the property.
- c. Submit a copy of the vendors Texas Sales And Use tax Permit.
- d. Post for viewing by the general public the Open Air Vendor Permit issued by the City of Ennis.
- e. Must verify by document that a sales tax report assigning the City of Ennis, Texas as the recipient of sales tax funds for the previous sales period (if applicable) was actually filed with the State Comptrollers Office.

**SECTION V**

That the 1985 City of Ennis, Texas Zoning Ordinance, Ordinance No. 85-6-8 as amended by Ordinance No. 92-5-4, is amended only insofar as stated above and this ordinance shall remain in full force and effect.

**SECTION VI**

That, if any part of this Ordinance is held invalid, such invalidity shall not affect any other part and, to that end, the several parts thereof are severable.

**SECTION VII**


That, notice and publication hereof shall be given in the time and manner prescribed by law. This Ordinance shall be effective immediately subject only to notice and final reading and passage.

PASSED ON FIRST READING on this the 4th day of November, 2002.

PASSED ON SECOND READING on this the 18th day of November, 2002.

  
RUSSELL THOMAS  
Mayor

ATTEST:

  
SHIRLEY TRULL  
City Secretary