

Introduced By: City Clerk  
Introduction Date: September 29, 2022  
Action: APPROVED  
Vote: (YES) Russell, Roberts, Siivola  
ABSENT: Heger, Meister

**CITY OF HOUSTON  
PLANNING & ZONING COMMISSION**

**RESOLUTION NO. 22-PC-03**

**A RESOLUTION OF THE HOUSTON PLANNING & ZONING COMMISSION FORWARDING RECOMMENDATIONS TO THE HOUSTON CITY COUNCIL ON THE DRAFT ORDINANCE TITLED "AN ORDINANCE OF THE HOUSTON CITY COUNCIL AMENDING HOUSTON MUNICIPAL CODE (HMC) CHAPTER 5.06 PUBLIC VENDING LICENSES TO PROVIDE FOR THE AUTHORITY AND PROCEDURES FOR REGULATING SPECIAL EVENTS AND VENDOR LICENSES ON PUBLIC PROPERTY AND HMC SECTION 2.26.030 PUBLIC WORKS DEPARTMENT TO AMEND THE DUTIES OF THE PUBLIC WORKS DIRECTOR AND AMENDING HMC SECTION 4.20.080 TO REMOVE THE SALES TAX EXEMPTION FOR A VENDOR AND AMENDING HMC 1.16 TO PROVIDE FOR PENALTIES AND AMENDING THE FISCAL YEAR 2023 FEE SCHEDULE" AS REFERRED BY THE CITY CLERK FOR COMMENT.**

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**WHEREAS**, HMC 7.06.030(B) states "In accordance with the Comprehensive and Land Use Plans and in order to implement these plans, the Commission shall recommend actions governing the use and occupancy of land that may include, but are not limited to: a. Zoning regulations restricting the use of land and improvements by geographic districts." and "b. Land use permit requirements designed to encourage or discourage specified uses and construction of specified structures, or to minimize unfavorable effects of uses and the construction of structures"; and

**WHEREAS**, the code that governs vendors operating on public property needs to be updated; and

**WHEREAS**, City administration drafted a coded ordinance to amend this section of the code, attached to this resolution as exhibit A; and

**WHEREAS**, this Resolution was discussed by the Planning Commission at the publicly noticed Planning Commission regular meeting on September 29<sup>th</sup>, 2022; and

**WHEREAS**, the Houston Planning Commission sufficiently considered all evidence and testimony presented to them to make the following recommendations.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Houston to forward the following recommendations regarding the draft ordinance for vending licenses to the Houston City Council;

**Section 1.** These following findings are made or affirmed:

**Recommendation 1:** The Planning and Zoning Commission recommends the draft ordinance be presented as-is to the Houston City Council for introduction, public hearing, and approval to become part of the Houston Municipal Code.

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**PASSED, APPROVED, AND ADOPTED** By a duly constituted quorum of the Planning & Zoning Commission for the City of Houston on this 29<sup>th</sup> day of September, 2022

  
\_\_\_\_\_  
Ray Russell, Chair

**ATTEST:**

  
\_\_\_\_\_  
Marilyn Bell, Deputy City Clerk

Introduced by:  
Introduction Date:  
Public Hearing:  
Adoption Date:  
Vote:

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8 **HOUSTON, ALASKA**  
9 **ORDINANCE XX-XX**

10  
11  
12 **AN ORDINANCE OF THE HOUSTON CITY COUNCIL AMENDING HOUSTON**  
13 **MUNICIPAL CODE (HMC) CHAPTER 5.06 PUBLIC VENDING LICENSES TO**  
14 **PROVIDE FOR THE AUTHORITY AND PROCEDURES FOR REGULATING SPECIAL**  
15 **EVENTS AND VENDOR LICENSES ON PUBLIC PROPERTY AND HMC SECTION**  
16 **2.26.030 PUBLIC WORKS DEPARTMENT TO AMEND THE DUTIES OF THE PUBLIC**  
17 **WORKS DIRECTOR AND AMENDING HMC SECTION 4.20.080 TO REMOVE THE**  
18 **SALES TAX EXEMPTION FOR A VENDOR AND AMENDING HMC 1.16 TO PROVIDE**  
19 **FOR PENALTIES AND AMENDING THE FISCAL YEAR 2023 FEE SCHEDULE**

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20 **NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY OF HOUSTON,**  
21 **ALASKA:**

22 **SECTION 1. CLASSIFICATION.** This ordinance is of a permanent nature and shall  
23 become part of the Houston Municipal Code.

24 **SECTION 2. SEVERABILITY.** If any provision of this ordinance, or any application  
25 thereof to any person or circumstances is held invalid, the remainder of this ordinance and the  
26 application to any other person or circumstances shall not be affected thereby.

27 **SECTION 3. PURPOSE.** The purpose of this ordinance is to:

- 28
- 29 • Amend definitions applicable to city vendor licenses.
  - 30 • Establishing the Public Works Director authority.
  - 31 • Update new language for types of licenses.
  - 32 • Update the procedures in which to apply for vendor licenses.
  - 33 • Update the procedures by which vendor licenses are issued and enforced.
  - 34 • Adopt new language providing that a vendor license is not in lieu of a business license  
and the collection of sales tax.
  - 35 • Amend the Fiscal Year Fee Schedule to reflect the vendor license fee.

36 **SECTION 4. AMENDMENT.** The title of Chapter 5.06, Public Vending Licenses, is hereby  
37 amended to read:

38 5.06 **Special Event** Public and Vending Licenses

39 **SECTION 5. AMENDMENT.** Section 5.06.010 Definitions of the Houston Municipal  
40 Code is hereby amended to read as follows:

**Bold and Underline**, added. ~~Strike through~~, deleted.

41 In this chapter, unless the context otherwise requires: As used in this chapter the following  
42 definitions shall apply:

43 “~~Roaming vendor~~” “Mobile vendor” means a vendor who moves from place to place, on foot or  
44 by vehicle.

45 “~~Permanent vendor~~” “Single location vendor” means a vendor operating from a single location.

46 “Special event” means an event temporary in nature lasting seven days or less where  
47 business is engaged.

48 “Special event permit” means a document issued by the City pursuant to this chapter that  
49 authorizes sales or services to the public on City-owned or City-operated property or public  
50 rights-of-way.

51 “Short-term” means an event temporary in nature lasting seven consecutive days or less.

52 “Hearing Officer” means a duly licensed attorney to practice law in the State of Alaska, or  
53 have training and experience in arbitration, mediation, or contract law, and must have  
54 knowledge of, or an ability to apprehend, for the purpose of the proposed hearing and  
55 principal of due process. A hearing officer shall not hold no other appointed or elected  
56 office or position with the city.

57 “Special event permit holder” means a group or organization approved by the Council or  
58 specified in HMC [5.06.050\(B\)](#) that sponsors community events

59 “Vendor” means a person, organization, partnership, corporation, or other form of business  
60 organization; engaging in the sale of any goods or services.

61 “Vendor ~~permit~~ license” means a document issued by the City pursuant to this chapter that  
62 authorizes the operation for ~~selling merchandise~~ of sales and/or services to the public on City-  
63 owned or operated property or public rights-of-way. (Ord. 04-03 § 4, 2004; Ord. 09-03 § 4,  
64 2009)

65 SECTION 6. AMENDMENT. Section 5.06.020 Permit and compliance required of the  
66 Houston Municipal Code is hereby amended to read as follows:

67 It is unlawful for any person to offer for sale goods or services of any type to the public on any  
68 City property or right-of-way within the City, ~~without first obtaining~~ except in accordance  
69 with a vendor’s permit license from the City as provided in this chapter, or to violate the terms  
70 of a ~~permit~~ license issued pursuant to this chapter. (Ord. 04-03 § 4, 2004)

71 SECTION 7. AMENDMENT. Section 5.06.030 Permanent vendor permit of the Houston  
72 Municipal Code is hereby amended to read as follows:

73 Permanent Single location vendor ~~permit~~ license

**Bold and Underline**, added. ~~Strike through~~, deleted.

74 A. A permanent vendor permit may be issued to sell merchandise and/or services at a  
75 permanently assigned location. A permanent vendor permit shall be nontransferable. A \$100.00  
76 permit fee shall be required. in lieu of a business license and collection of sales tax.

77 **A. A single location vendor license will authorize the holder to sell merchandise and/or**  
78 **services including food and nonalcoholic beverages at a single location that is specified in**  
79 **the license.**

80 B. City administration shall determine permanent vendor space and establish requirements for  
81 each area. Applicants may submit one application per designated vendor space.

82 **B. The Public Works Director shall designate the spaces on City property where a vendor**  
83 **may locate under a single location vendor license, and establish rules governing vendor**  
84 **operation for each area in which such spaces are designated. Only one single location**  
85 **vendor license may be issued per designated space.**

86 C. **A single location vendor license is issued on or after January 1st of a calendar year, and**  
87 **expires on December 31st of the calendar year. A person may submit no more than one**  
88 **application for a single location vendor license per designated space on or after January 1st**  
89 **for the calendar year. A person who holds a single location vendor license may obtain up to**  
90 **two renewals of the license for the same designated space before January 1st of the next**  
91 **calendar year. If more than one applicant applies for a designated space, if the prior year**  
92 **license holder has not given timely notice of intent to renew BEFORE JANUARY 1<sup>st</sup>, lots**  
93 **will be drawn to determine the applicant to whom the space will be issued. single location**  
94 **vendor licenses will be issued for available designated spaces on a first-come, first-serve**  
95 **basis. No person may hold more than one single location vendor license during a calendar**  
96 **year.** Only one permit shall be issued per qualified applicant. Permits are valid from January 1st  
97 through December 31st of each calendar year. First right of refusal for two additional one-year  
98 terms, for a total term not to exceed three years, will be offered to all permanent vendors. City  
99 administration must receive notification of intent to renew by the permit holder no later than  
100 September 1st of each year. (Ord. 04-03 § 4, 2004; Ord. 09-03 § 4, 2009)

101 **SECTION 8. AMENDMENT.** Section 5.06.040 Roving vendor permit of the Houston  
102 Municipal Code is hereby amended to read as follows:

103 Roving **Mobile** vendor permit **license**

104 Section 5.06.040 Roving **mobile** vendor **license** is hereby amended to read as follows:

105 A. A roving vendor permit may be issued to qualified applicants to sell merchandise and/or  
106 services at more than one temporary location, with time restrictions. A roving vendor permit  
107 shall be nontransferable and a \$100.00 permit fee shall be required. in lieu of a business license  
108 and collection of sales tax.

109 **A. A mobile vendor license will authorize the holder to sell merchandise and or services**  
110 **including food and nonalcoholic beverages at more than one location, with the time of**  
111 **operation at a single location limited as stated in the license.**

**Bold and Underline**, added. ~~Strike through~~, deleted.

112 ~~B. City administration shall determine time restrictions, vending area space, and the number of~~  
113 ~~roving vendor permits allowed.~~

114 **B. The Public Works Director or designee shall determine the number of mobile vendor**  
115 **licenses that will be issued in a calendar year, the locations where mobile vendors may**  
116 **operate, and limitations on the time of operation at a single location.**

117 ~~C. Applicants may submit an application per designated venue.~~

118 ~~D. If more applicants than the number designated by City administration apply, lots will be~~  
119 ~~drawn to determine the applicants to whom the permits will be issued. Permits are valid from~~  
120 ~~January 1st through December 31st of each calendar year. First right of refusal for two additional~~  
121 ~~one-year terms, for a total term not to exceed three years, will be offered to all roving vendors.~~  
122 ~~City administration must receive notification of intent to renew by the permit holder no later than~~  
123 ~~September 1st of each year. (Ord. 04-03 § 4, 2004; Ord. 09-03 § 4, 2009)~~

124 **C. A mobile vendor license is issued on or after January 1<sup>st</sup> of a calendar year, and expires**  
125 **on December 31<sup>st</sup> of the calendar year. A person may submit an application for a mobile**  
126 **vendor license on or after January 1<sup>st</sup> for the calendar year. A person who holds a vendor**  
127 **license may obtain up to two renewals of the license by notifying the Public Works Director**  
128 **of his or her intent to renew before January 1st of the next calendar year. AFTERWARDS,**  
129 **available mobile vendor licenses will be issued on a first-come, first serve basis.**

130 **SECTION 9. REPEALED.** Section 5.06.045 Special event vendor permit of the Houston  
131 Municipal Code is hereby repealed in its entirety.

132 ~~5.06.045 Special event vendor permit.~~

133 ~~A. A special event vendor permit may be issued to qualified applicants to sell merchandise or~~  
134 ~~services in association with special event permit holder, for the limited term of the special event.~~  
135 ~~A special event vendor permit shall be nontransferable and a \$10.00 permit fee shall be required~~  
136 ~~which shall be remitted to the City by the special event permit holder.~~

137 ~~B. The special event permit holder, subject to City administration's approval, shall determine~~  
138 ~~time restrictions, vending space area, and the number of special event vendor permits allowed.~~  
139 ~~(Ord. 09-03 § 4, 2009)~~

140 **SECTION 10. REPEALED AND ENACTED.** Section 5.06.050 Special event permit  
141 of the Houston Municipal Code is hereby repealed in its entirety and enacted as follows:

142 ~~A. A special event permit is required to conduct a community event and will expire upon~~  
143 ~~completion of the event. All special event permits must have final approval of City~~  
144 ~~administration at least 60 days prior to the event unless specified in subsection (B) of this~~  
145 ~~section.~~

146 ~~B. The following organizations may hold special event permits for community events without~~  
147 ~~City administration approval prior to the start of the event:~~

**Bold and Underline**, added. ~~Strike through~~, deleted.

- 148 ~~1. Houston Chamber of Commerce;~~  
149 ~~2. Houston Lions Club;~~  
150 ~~3. HFD Auxiliary;~~  
151 ~~4. The City of Houston Parks and Recreation Department: all City-sponsored community~~  
152 ~~events;~~  
153 ~~5. Susitna Rotary; and~~  
154 ~~6. Mid-Valley Seniors.~~

155 ~~C. Permanent and roving vendor permit holders space shall not be interrupted during a special~~  
156 ~~event. Additional vendors may participate, without obtaining vendor permits, during an event~~  
157 ~~sponsored by a special event permit holder subject to the provisions of HMC 5.06.045.~~

158 ~~D. Special event permit holders shall submit to the City:~~

159 ~~1. A certificate of insurance for a general liability insurance policy, in the minimum~~  
160 ~~coverage amount of \$100,000 personal injury per occurrence and \$50,000 property~~  
161 ~~damage, naming the City and borough as an additional insured. The certificate shall include~~  
162 ~~provisions that the City will be notified within 30 days if the policy is modified or~~  
163 ~~terminated;~~

164 ~~2. Any additional information requested by the City. (Ord. 04-03 § 4, 2004; Ord. 09-03 § 4,~~  
165 ~~2009)~~

166  
167 **A. An application for a special event license under this section shall be submitted to the**  
168 **Public Works Director on forms provided by the Director at least 60 days prior to the first**  
169 **day of advertising for the event and must be accompanied by any required fees established**  
170 **by the adopted fee schedule. The application shall contain the following information:**

171  
172 **1. The name, residence and mailing address of the applicant;**

173  
174 **2. The business name to be used and the nature of the business;**

175  
176 **3. The name of the festivity or event for which the license is requested;**

177  
178 **4. A description of the event;**

179  
180 **5. The address and legal description of the site at which the special event is to be held;**

181  
182 **6. the date or dates and hours at which the special event is to be held;**

183  
184 **7. An estimate of the maximum number of attendants expected at the event, and the**  
185 **maximum number of tickets to be sold, if any**

186

**Bold and Underline**, added. ~~Strike through~~, deleted.

187 **B. A license shall not allow the gathering to exceed the number of people stated in the**  
188 **license. The operator shall not sell, trade, donate, or distribute tickets to, or license to**  
189 **assemble at the authorized site, more than the maximum permissible number of people.**

190 **C. No operator shall allow any person to unlawfully consume, sell, or possess alcoholic**  
191 **beverages or unlawfully use, sell, or possess any narcotics, narcotic drugs, or other**  
192 **controlled substances including marijuana as defined by state or local laws on the premises**  
193 **during the event.**

194 SECTION 11. ENACTMENT: Section 5.06.045 Short-term vendor permit of the  
195 Houston Municipal Code is hereby enacted as follows:

196 **5.06.045 Short-term vendor license is hereby enacted as follows:**

197 **A. A short-term vendor license will authorize the holder to sell goods and services including**  
198 **food and nonalcoholic beverages during a specified period not exceeding seven consecutive**  
199 **days, either in conjunction with a community event, special event or at a single location**  
200 **that is specified in the license or at more than one location, with the time of operation at a**  
201 **single location limited as stated in the license.**

202 **B. The Public Works Director shall determine the number of short-term vendor licenses**  
203 **that will be issued for the same time period. The Public Works Director shall determine the**  
204 **locations where vendors may operate, and establish rules governing vendor operation,**  
205 **under short-term vendor licenses. Short term vendor licenses will be issued for available**  
206 **time periods on a first come, first served basis.**

207 SECTION 12. AMENDED: Section 5.06.060 Application for permit of the  
208 Houston Municipal Code is hereby amended as follows:

209 5.06.060 Application **and fee** for ~~permit~~ **license**

210 **A.** A completed application for a vendor **or special event license** ~~permit~~ shall be submitted to  
211 ~~City administration~~ **the Public Works Director or designee** for approval. Each application shall  
212 include:

213 **A.1.** The a ~~Applicable~~ **nonrefundable license** ~~permit~~ fee **as established with the published**  
214 **City of Houston Fee Schedule;**

215 **B.2.** A certificate of insurance for a general liability insurance policy, in the minimum coverage  
216 amount of \$100,000 personal injury per occurrence and \$50,000 property damage, naming the  
217 City and the **Matanuska- Susitna** borough as an additional insured. The certificate shall include  
218 provisions that the City will be notified within 30 days if the policy is modified or terminated;

219 **3. Proof that the applicant has obtained or applied for all applicable licenses, including but**  
220 **not limited to state, City and borough licenses;**

**Bold and Underline**, added. ~~Strike through~~, deleted.



221 ~~C.4. A felony records and sex offender registry check of the applicant~~ **A background check of**  
222 **the criminal history of the applicant and any agents and employees, if the applicant is an**  
223 **individual, the person who is to manage the vendor operation, including felony charges,**  
224 **drug offenses, and sex offenses. If the applicant will operate a motor vehicle under a mobile**  
225 **vendor license or a short-term vendor license, the applicant must include a background**  
226 **check of motor vehicle violations**; and

227 5. Any additional information requested by the City. (Ord. 04-03 § 4, 2004; Ord. 09-03 § 4,  
228 2009)

229 **SECTION 13. AMENDED:** Section 5.06.070 Permit conditions of the Houston  
230 Municipal Code is hereby amended to read as follows:

231 A. ~~Permits~~ **Licenses** issued under this chapter are subject to certain conditions, including, but  
232 not limited to:

233 1. Designation of location, activity and scope of operation, as determined by City  
234 administration;

235 2. Size of vehicle or sale apparatus; and

236 3. Any additional requirements of the City.

237 B. ~~Permits~~ **Licenses** may be denied to an applicant or to a business owned or controlled by any  
238 person who is on active felony probation or parole and has not been unconditionally discharged  
239 or anyone on the sex offender registry. (Ord. 04-03 § 4, 2004; Ord. 09-03 § 4, 2009)

240 **SECTION 14. AMENDED:** Section 5.06.080 Operating requirements of the Houston  
241 Municipal Code is hereby amended as follows:

242 The following operating requirements shall apply: **A. The holder of a license under this**  
243 **chapter shall comply with the following operating requirements:**

244 A. **1.** All ~~permits~~ **required licenses** shall be displayed prominently while conducting ~~permitted~~  
245 **authorized** activities.

246 B. **2.** ~~Permit~~ **License** holders shall be responsible to the City for their actions, and those of their  
247 agents and employees while engaged in ~~permitted~~ **authorized** activities.

248 C. **3.** ~~Permit~~ **License** holders and their agents and employees shall not obstruct traffic.

249 D. **4.** Alterations or permanent improvements to the permitted areas are not allowed. Permanent  
250 signs shall not be displayed in connection with the ~~permitted~~ **authorized** activity.

251 E. **5.** ~~Permit~~ **License** holders shall keep their ~~permitted~~ **authorized** areas clean and neat. Litter  
252 shall be properly disposed of at least once a day.

**Bold and Underline**, added. ~~Strike through~~, deleted.

253 F. ~~6.~~ **Permit License** holders shall promptly notify the City of any accident, injury or claim  
254 related to the ~~permitted~~ **authorized** activity.

255 G ~~7.~~ **Permit License** holders shall promptly notify the City in writing of any maintenance or  
256 repair needed in the ~~permitted~~ **authorized** area or of any other condition which may constitute a  
257 health or safety hazard.

258 H ~~8.~~ **Permit License** holders shall reimburse the City for any damage to City property caused by  
259 the ~~permit~~ **license** holder, including the cost of litter abatement.

260 **9. Any pet or service animal accompanying persons in authorized activities must be kept on**  
261 **a leash or be otherwise confined in a manner to not come into direct public contact. The**  
262 **permit holder is held completely and solely responsible for the animal's conduct. Animal**  
263 **caused nuisances are grounds for immediate non-refundable revocation of the permit.**

264 **10. Vendors and their agents and employees shall comply with all local, state, and federal**  
265 **laws applicable to their activities including but not limited to Chapters 8.09 and 11.06**  
266 **HMC.**

267 SECTION 15. AMENDED: Section 5.06.090 Revocation or suspension of permit of the  
268 Houston Municipal Code is hereby amended as follows:

269 **A.** A ~~permit~~ **license** may be revoked or suspended by the city if:

270 A. **1.** False or misleading statements are made by the ~~permit~~ **license** holder, agents or employees  
271 in conjunction with the application for the ~~permit~~ **license**;

272 B. **2.** The ~~permitted~~ **authorized** activity has been operated in violation of any provision of  
273 applicable law or the terms or conditions of the ~~permit~~ **license**;

274 C. **3.** The ~~permit~~ **license** has been conveyed by the ~~permit~~ **license** holder to another person.

275 **4. The license holder, agents or employees violate any provisions of Chapter 11.06 HMC or**  
276 **this chapter.**

277 **B. A license will be revoked if any owner or operator of a licensed business, or any agent or**  
278 **employee in contact with the public on behalf of the licensee is or has been convicted of a**  
279 **felony or a crime involving fraud, dishonesty or deception, or child molestation, or related**  
280 **crime.**

281 **C. Except as outlined previously, the Public Works Director shall not revoke a license**  
282 **issued under this chapter without first providing notice and an opportunity for a hearing**  
283 **on the suspension or revocation under this subsection.**

284 **1. At least 15 days before suspending or revoking a license, the Public Works Director**  
285 **shall mail notice of the revocation by certified mail, return receipt requested, to the**  
286 **last-known address of the licensee.**

287 2. The notice of proposed suspension or revocation shall identify the license, under  
288 which the licensee engages in business in the City, describe the revocation, state that  
289 unless a hearing is requested, the City will suspend or revoke the license under this  
290 section upon the expiration of 15 days from the date of the notice, and state that the  
291 right to a hearing will be waived if not timely requested, and the name, address and  
292 telephone number of the Public Works Director or other City representative to be  
293 contacted concerning the proposed revocation.

294 SECTION 16. AMENDED: Section 5.06.100 Appeals from decision of administration of  
295 the Houston Municipal Code is hereby amended as follows:

296 ~~An appeal from a decision to refuse to issue, place conditions on, suspend or revoke a permit~~  
297 ~~shall be made to the City Council by filing a notice of appeal with the Clerk within 15 days of~~  
298 ~~the issuance of a written decision.~~

299 A. An applicant aggrieved by any action of the Public Works Director made under this  
300 chapter or any regulation enforced pursuant to this chapter, including a decision to deny a  
301 license may obtain a hearing on the proposed action by requesting the hearing in writing at  
302 the office of the City Clerk on a form provided by the City Clerk not more than 15 days  
303 after the date of the notice of proposed action.

304 B. Upon written request by the licensee, a Hearing Officer designated by the Mayor shall  
305 conduct a hearing on the proposed action within seven days after the request for hearing.  
306 The sole issue before the Hearing Officer shall be whether one or more of the grounds  
307 stated in subsection (A) of this section for suspending or revoking the license has occurred  
308 and is continuing. The Hearing Officer shall conduct the hearing in an informal manner  
309 and shall not be bound by the technical rules of evidence. The licensee may appear, present  
310 evidence, and cross-examine witnesses. The hearing shall be recorded. Within seven days  
311 after the conclusion of the hearing, the Hearing Officer shall prepare a written decision  
312 whether to suspend or revoke the license, and provide a copy of the decision to the licensee.

313 C. A Hearing Officer's decision suspending or revoking a license shall include an order  
314 that the licensee immediately cease and desist from engaging in business as a vendor in the  
315 City unless and until the license is reinstated or reissued.

316 D. Any person aggrieved by the Hearing Officer's decision under subsection (C) of this  
317 section to suspend or revoke a business license may appeal the decision to the superior  
318 court within 30 days after the date the decision was mailed or delivered to the parties.  
319 Unless the court orders otherwise, a decision to suspend or revoke a license takes effect  
320 immediately upon its issuance.

321 REPEALED: Section 5.06.100 Appeals from decision of administration of the Houston  
322 Municipal Code is hereby repealed in its entirety:

323 SECTION 17. AMENDED: Section 5.06.110 Remedies and Penalties of the Houston  
324 Municipal Code is hereby amended to read as follows:

**Bold and Underline**, added. ~~Strike through~~, deleted.

325 A. Remedies and penalties for violations of this chapter are as provided in Chapter 1.16 HMC. A  
326 total of three citations in one calendar year against a person holding a permit under this chapter  
327 shall result in the revocation of the permit.

328 **B. For violations of this chapter on application for injunctive relief and a finding of a**  
329 **violation or threatened violation, the Superior Court shall:**

330 **1. Enjoin a violation of this chapter, and may;**

331 **2. Recover a civil penalty of \$300.00 for each violation of this chapter as set out in**  
332 **the Houston Fee schedule.**

333 **C. Each act or omission in violation of this chapter, and each day in which the act or**  
334 **omission occurs, is a separate violation.**

335 **D. All remedies for violations of this chapter are cumulative and are in addition to any**  
336 **other existing at law or in equity.**

337 (Ord. 04-03 § 4, 2004; Ord. 09-03 § 4, 2009)

338 **SECTION 18. AMENDED:** Section 2.26.030 Duties of the Houston Municipal Code is  
339 hereby amended as follows.

340 The duties of the Public Works Department shall include supervision and responsibility of:

341 A. Road maintenance;

342 B. Utility permits;

343 C. Driveway permits;

344 D. Construction permits;

345 **E. Designation of vendor locations for HMC Title 5;**

346 ~~E.F.~~ Maintenance, custodial services, repair, minor construction renovation and upkeep of all  
347 rolling stock, buildings, and lands; and

348 ~~F. G.~~ Other duties as assigned by the Mayor. (Ord. 09-20 § 4, 2009)

349 **SECTION 19. REPEALED:** Section 4.20.080 (C) Certificate of Exemption of the  
350 Houston Municipal Code is hereby repealed as follows.

351 ~~C. A vendor's permit issued in accordance with Chapter 5.06 HMC, Public Vending Licenses, is~~  
352 ~~considered to serve the same purpose as a sales tax exemption certificate. The vendor pays an up-~~  
353 ~~front flat fee in lieu of collecting sales tax at the point of sale. (Ord. 03-07 § 3, 2003; Ord. 08-04~~  
354 ~~§ 4, 2008; Ord. 13-22 § 4, 2013; Ord. 16-13 § 4, 2016)~~

**Bold and Underline**, added. ~~Strike through~~, deleted.

