

Agenda



AGENDA

CITY COUNCIL MEETING

Tuesday, October 17, 2023
7:00PM at City Hall

Mayor – Benito Ponce

Council Member Place 1 – Mike Laye
Council Member Place 2 – Donald Deering
Council Member Place 3 – Kerrie Longoria

Council Member Place 4 – Clayton Laughter
Council Member Place 5 – Frank Hudson

REGULAR MEETING

1. Call to Order and Declaration of Quorum- Time:
2. Invocation.
3. Pledge of Allegiance to the United States of America -
I pledge Allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.
4. Pledge of Allegiance to the Texas Flag -
Honor the Texas flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.
5. Public Comment –

Citizens are invited to address the meeting with public comments. Comments regarding items for which notice has not been given will be limited to three minutes. Responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item when recognized by the Chair. An intentional act intended to disrupt a government meeting is a violation of law.

REPORTS

6. Reports:
 - a. City Secretary Report
 - b. City Attorney Report
 - c. Code Enforcement Report
 - d. Financial Report (2nd Council Meeting)
 - e. Mayor Pro Tem Report
 - f. Mayor's Report/Status
 - g. NVFD Report (2nd Council Meeting)

CONSENT AGENDA: ACTION

7. Approval of Previous Meeting Minutes – October 10, 2023

REGULAR AGENDA

8. Discuss and take any necessary action on amending Ordinance Number 22-02; Vendors, Peddlers, and Solicitors.
Summary: The City Council has determined the best interest of the citizens of the city of Nevada is to provide regulations for vendors, peddlers and solicitors operating with the City.
9. Discuss and Consider the Quotes Provided by North Texas Paving, LLC for the Remainder of Pothole Repairs & Grading & Paving for the parking lot at Nevada City Hall.
Summary: City Secretary Kowaleski can speak on this agenda item.

FUTURE AGENDA ITEMS

10. Future Agenda Items

Future agenda items shall be designated by the Mayor. In addition, a motion and a second from any two Councilpersons shall be sufficient to add an agenda item for a future meeting. Staff and counsel shall have prior consent of the Mayor to add an agenda item for a future meeting.

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|----|-----|-----|
| 1. | 6. | 11. |
| 2. | 7. | 12. |
| 3. | 8. | 13. |
| 4. | 9. | 14. |
| 5. | 10. | 15. |

11. Executive Session - Time: _____

12. Regular Session: Reconvene from Executive Session - Time: _____

13. If required, act on items reviewed in Executive Session.

14. Adjournment / Closing - Time: _____

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting, the Council reserves the right to adjourn into executive session on any of the above-posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of an interest in real property], 551.073 [contract for gift to City], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices] 551.087 [deliberation regarding economic development negotiations].

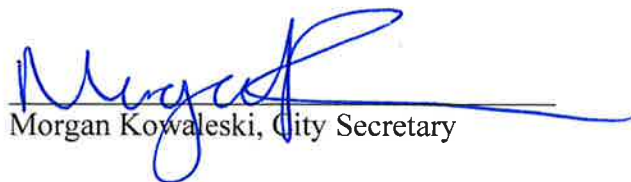
The City of Nevada is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the City Secretary at (469) 788-7610 Ext: 102 for information.**

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the other boards, commissions and/or committees shall not deliberate or decide any matters relating to items listed on this agenda and no minutes shall be prepared.

A member or member of the government body holding this meeting may attend via videoconference pursuant to the provisions of Tex. Gov't Code 551.127. In the event that a member or members of the government body holding this meeting attends via videoconference, a quorum of the government body holding this meeting will be physically present at the location identified above.

I certify that the above agenda for this meeting of the City Council of the City of Nevada, Texas, was posted on the bulletin board at City Hall, in Nevada, Texas, on **Friday, October 13, 2023, at 5:00 pm** pursuant to Chapter 551 of the Texas Government Code.




Morgan Kowaleski, City Secretary

**Agenda Item #6 a.
City Secretary's
Report**

**Documents will be
available at the City
Council meeting.**

Agenda Item #6 b.
City Attorney
Report

Agenda Item #6 c.

Code

Enforcement

Report

**Documents will be
available at the City
Council meeting.**

Agenda Item #6 e.
Mayor Pro Tem
Report

Agenda Item #6 f. Mayor's Report

Agenda Item #6 g.

NVFD Report

Agenda Item # 7



MINUTES

CITY COUNCIL MEETING

Tuesday, October 10, 2023
7:00PM at City Hall

Mayor – Benito Ponce

Council Member Place 1 – Mike Laye
Council Member Place 2 – Donald Deering
Council Member Place 3 – Kerrie Longoria

Council Member Place 4 – Clayton Laughter
Council Member Place 5 – Frank Hudson

City Staff:

Morgan Kowaleski, City Clerk
Jim Shepherd, City Attorney

Citizens:

Eric Wellwood, Tricia Brown,
Larry Thomson, Deuce Waters,
Beth Noska, Kaylee Tolin
Jeff Owens, Steve Weeks
Julian Valenback, Paul Breitzman
Derrick Little, Judith Hudson,
Julie Strickland, Debra Caldwell,
Charles Hatfield, Bart Carroll,
Nathan Olson, Jim Woomer,
Russell Newton, Bruce Mathews

REGULAR MEETING

1. Call to Order and Declaration of Quorum –

Time: 7:09PM
Council Member Don Deering was absent.

2. Invocation –

Mayor Benito Ponce led the invocation.

3. Pledge of Allegiance to the United States of America –

I pledge Allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.

Those in attendance pledged allegiance to the United States of America.

4. Pledge of Allegiance to the Texas Flag –

Honor the Texas flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.

Those in attendance pledged allegiance to the Texas Flag.

5. Public Comment –

Citizens are invited to address the City Council with public comments. Comments regarding items for which notice has not been given will be limited to three minutes, prior to discussion of agenda items, and Council responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item. An intentional act intended to disrupt a Government meeting is prohibited.

Citizen Eric Wellwood addressed the City Council and spoke on his concerns regarding the Atmos Easement located in Cedar Ridge Estates.

Citizen Paul Brietzman addressed the City Council and spoke on current events.

REPORTS

6. Reports:

a. City Secretary Report –

No report at this time.

b. City Attorney Report –

No report at this time.

c. Code Enforcement Report –

No report at this time.

d. Financial Report (2nd Council Meeting) –

No report at this time.

e. Mayor Pro Tem Report –

Mayor Pro Tem provided updates to the City Council and Citizens about the increased cost of Employee Health Care Benefits, the Street Sign Project, and the setup of a potential meeting between the City & Cards Recycling & Waste Management to discuss and resolve complaints.

f. Mayor's Report/Status –

Mayor Ponce discussed a recent vehicle accident on FM 1138 & 541, downed trees within Nevada city limits and potholes. Mayor Ponce presented former City Secretary, Deuce Waters with a gift in recognition of his tenure with the City of Nevada.

g. NVFD Report (2nd Council Meeting) –

No report at this time.

CONSENT AGENDA

7. Approval of Previous Meeting Minutes – September 19, 2023 and September 26, 2023 –

Mayor Pro Tem Longoria made a motion to approve the minutes as written. Council Member Laye seconded the motion. The motion was carried with a 5-0 vote.

REGULAR AGENDA

8. City Council to deliberate on Beer and Wine sales within Nevada City limits –

City Attorney Jim Shepherd spoke on this agenda item and explained the various options for beer & wine sales within Nevada City Limits.

9. Discuss and consider action on the MyGov platform –

Council Member Laye made a motion to approve. Council Member Laughter seconded the motion. The motion was carried with a 5-0 vote.

10. Discuss and consider action on the Legacy Park Development Agreement –

City Attorney, Jim Shepherd and Developer, Bart Carroll both spoke on this agenda item. Mayor Pro Tem Longoria voiced concern on the traffic issues that this development could cause. Bart Carroll stated that a traffic impact analysis would be performed.

Council Member Laye made a motion to approve the Legacy Park Development Agreement. Council Member Laughter seconded the motion. The motion was carried with a 4:1 vote. Mayor Pro Tem Longoria voted in opposition.

11. Review and take any appropriate action on a concept plan for the Bear Creek subdivision by the owners, Cope Equities, for a new single family residential subdivision –

City Attorney, Jim Shepherd spoke on this agenda item. Cope representatives, Jim Woomer, Nathan Olson, and Steve Cope answered the City Council's questions. No action was taken.

12. Future Agenda Items –

Future agenda items shall be designated by the Mayor. In addition, a motion and a second from any two Councilpersons shall be sufficient to add an agenda item for a future meeting. Staff and counsel shall have prior consent of the Mayor to add an agenda item for a future meeting.

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|-------------------------------|----|-----|
| 1. Advertising Sign Ordinance | 6. | 11. |
| 2. ½ Acre Ordinance | 7. | 12. |
| 3. Roof Slope | 8. | 13. |
| 4. Solicitation Ordinance | 9. | 14. |

5.

10.

15.

13. Executive Session –

*Texas Government Code 551.074 Personnel----*Review of City Clerk and City Secretary positions, evaluation, terms, duties, compensation and related matters for either one or both positions.

As authorized by Section 551.071 (2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Time: 8:28 PM

14. Regular Session: Reconvene from Executive Session –

Time: 8:50 PM

15. If required, act on items reviewed in Executive Session –

Council Member Laughter made a motion to appoint Morgan Kowaleski to the role of City Secretary. Mayor Pro Tem Longoria seconded the motion. The motion was carried with a 5-0 vote.

16. Adjournment/Closing –

Time: 8:59 PM

Benito Ponce, Mayor

Attest:

Morgan Kowaleski, City Secretary

Agenda Item #8

ORDINANCE NO. 22-02

AN ORDINANCE OF THE TOWN OF NEVADA, COLLIN COUNTY, TEXAS REGARDING VENDORS, PEDDLERS AND SOLICITORS; ESTABLISHING REGUALTIOS FOR SAME, REQUIREING PERMITS, ESTABLISHING A FEE FOR APPLICATION OF A PERMIT, PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE OF \$500.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council has determined the best interest of the citizens of the city of Nevada is to provide regulations for vendors, peddlers and solicitors operating within the City, and

Whereas, this ordinance is to be interpreted to comply with all state and federal law regarding interstate commerce, state commerce, and any lawful exceptions to the provisions of this ordinance, and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE CITY OF NEVADA, COLLIN COUNTY, TEXAS AS FOLLOWS:

Sec. 1 - The Council finds the recitations above are true.

Sec. 2. - Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them by this section:

Business day means any calendar day except Saturday, Sunday or any state or national holiday.

Carnival means a temporary commercial business located and/or operated on privately owned property, whether improved or unimproved, that is characterized by amusement rides, attractions, games of skill or chance, entertainment, shows, exhibitions, food vendors and/or a combination thereof including fairs or festivals. Carnival does not include non-commercial, non-profit or charitable amusement events.

Carnival operator means any person or entity who sets up and operates a temporary carnival on privately owned property, whether improved or unimproved, in the city.

Charitable purpose shall mean philanthropic, religious or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization, or the benefit of any

educational institution. "Charitable purpose" shall not be construed to include any direct benefit to the individual making the solicitation, to include the benefit of any political group or political organization which is subject to financial disclosure under state or federal law.

Commercial solicitation or soliciting, means the act of asking, bartering, or communicating in any other such manner, whether orally, by written and or printed material including but not limited to handbills or leaflets, hand signing or by any other method, direct or implied, by an individual or group of individuals for a for-profit purpose which includes promoting, advertising, receiving or obtaining money, alms, gifts or items of value, real or intrinsic for said individual or group of individuals, or for-profit organization, joint venture, joint stock company, partnership, club, company, corporation, business trust, establishment, However the term does not include solicitation for religious, political, charitable, or other non-commercial purposes.

Consumer means an individual who seeks or acquires real or personal property, services, money, or credit for personal, family or household purposes.

Handbill means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature.

Handbill distributor means and includes any person engaging or engaged in the business for hire or gain of distributing handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

Handbill sponsor means and includes any person, firm or corporation who utilizes handbills as a medium of advertising or spreading a message.

Individual shall mean only a natural person.

Itinerant vendor shall mean any person or entity who sets up and operates an occasional business on privately owned property, whether improved or unimproved, in the city, soliciting, selling, or taking orders for, or offering to sell or take orders for any goods or services. A temporary business is one that continues for forty-five (45) days or less; and, exists whether solicitation is from a stand, vehicle, or freestanding.

Any business that exists more than forty-five (45) days shall be deemed to be a permanent occupancy and is required to obtain a certificate of occupancy from the building inspection department.

Job placement activities means any request, offer, enticement, or action which announces the availability for or of employment or seeks to secure employment. As defined herein, "job placement activities" shall be deemed complete when made whether or not an actual employment relationship is created.

Political purpose means any form of communication relating to a political issue, a particular candidate to a position or non-partisan office, or to a political party.

Public right-of-way for the purposes of this Article, right-of-way shall mean the area that is within ten (10) feet of the curb line. In absence of a curb line, the area within ten (10) feet of the shoulder of a road or highway. Right-of-way also includes the travel portion of the roadway and all traffic medians.

Residential street means a thoroughfare with a right-of-way of fifty (50) feet and pavement width of twenty-six (26) feet where the paved section allows for two (2) travel lanes with one (1) parking lane.

Solicitation: Solicitation or soliciting or solicited or any other action form of the word solicit means the act of asking, begging, pleading or in any other such manner, communicate, whether orally, by written, and/or printed material, hand signing or by any other method, direct or implied, by an individual or group of individuals for the purpose of receiving or obtaining money, alms, gifts or items of value, real or intrinsic for said individual, for said group of individuals or a for profit organization or a non-profit organization; individual; person or more than one person; organization; couple; family; relationship; joint venture; joint stock company; partnership; club, company; corporation; business trust; establishment; religious institution or religion; association, or the like or chapter or affiliate thereof, for the purposes of giving, use, sustenance, purchase, barter or any other such form.

Sec. 3. - Solicitation in selected public rights-of-way prohibited.

A person commits an offense if:

- (1) A person solicits at an intersection and fails to produce a written permit issued under this section as required.
- (2) A person solicits on a date not specified in the permit.
- (3) A person solicits at an intersection not specified in the permit.

Sec. 4. - Solicitation and handbill distribution on private property.

- (a) It shall be unlawful for any person to conduct commercial solicitation upon residential property within the city, without first obtaining a written permit as prescribed by this article.
- (b) All solicitation on residential property, whether for a commercial or non-commercial purpose shall occur only during the time that is one-half ($\frac{1}{2}$) hour after sunrise and one-half ($\frac{1}{2}$) hour before sunset. This provision does not apply where the solicitor is on the property by express, prior invitation of the owner of the property or a person residing on the premises.
- (c) It shall be unlawful for any person, handbill distributors, sponsor, to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast any handbill upon any residential property except by handing or transmitting such handbill directly to the owner, occupant, or any other person then present in or upon such private premises or by placing or depositing the same in a manner to secure to prevent such handbill from being blown or drifting about such premises, except that mailboxes may not be used when prohibited by federal postal laws or regulations.
- (d) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, scattered or cast any handbill upon any residential property if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words "no trespassing," "no peddlers," "no advertisements," "no

solicitation," "no handbills," or any similar notice indicating in any manner that the occupants of such premises do not desire to have any such handbills left upon their premises. The letters on such cards shall be not less than two-thirds ($\frac{2}{3}$) of an inch in height.

- (e) It shall be unlawful for any person to go upon any residential premises for the purpose of solicitation and ring the doorbell, knock upon the door or create any sound for the purpose of attracting the attention of the occupants of the residence if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words "no solicitation", "no peddlers", or "no trespassing". The letters on such cards shall be not less than two-thirds ($\frac{2}{3}$) of an inch in height.

Sec. 5 - Permit Application fee

It shall be unlawful for any person to conduct commercial solicitation within the City of Nevada without first obtaining a written permit from the city staff. Every application shall be accompanied by a registration fee of twenty dollars (\$20.00), to compensate the city for the cost of administering this article, and such fee will not be refunded if a permit is not issued.

Sec. 6. - Display of identification for commercial solicitation—All locations

The person(s) in charge of conducting commercial solicitation in all location of the City shall ensure that all commercial solicitors involved in the solicitation shall possess on their persons a valid photo identification, such as a driver's license or other government identification, that correctly identifies who the solicitor is and for whom the solicitor is soliciting. It shall be unlawful for any commercial solicitor to fail or refuse to show or display such identification upon the request of any person.

Sec. 7. - Display of permit to conduct commercial solicitation.

The person(s) in charge of conducting the commercial solicitation shall provide each commercial solicitor with a copy of the permit issued by the city as prescribed by this ordinance. It shall be unlawful for any solicitor to engage in commercial solicitation without having a copy of the permit in their possession. It shall be unlawful for any commercial solicitor to fail or refuse to show or display such copy upon the request of any person.

Sec. 8. - Solicitation for purpose not set out in application.

It shall be unlawful for any commercial solicitor to solicit for a purpose other than that set out in the application upon which the permit was issued.

Sec. 9. - Exceptions from permit requirement.

The following are excepted from filing an application and receiving a written permit.

- (1) Solicitation in the public right-of-way on residential streets.

- (2) Solicitation of the sale or lease of personal property if the solicitation language is located upon the personal property and the personal property is permitted to be in the right-of-way.

Sec. 10. - Application for permit.

- (a) A person or organization seeking a permit for the purpose of conducting commercial solicitation shall file an application with the city upon the application form provided by the City. Such application shall contain at a minimum the following information:
 - (1) The full and legally recognized names and any associated aliases, logos, nicknames, and abbreviated names of the entity or person applying for a permit to solicit;
 - (2) If the purpose of the solicitation is for the distribution of handbills, the name of the handbill sponsor and company organizing the distribution of same.
 - (3) Whether the person applying is a natural person, partnership, corporation or association, and:
 - a. The business or residence address and telephone number of the applicant;
 - b. If a partnership, the names of all partners and the principal business address and telephone number of each partner;
 - c. If a corporation, the person applying shall state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of such corporation, and, if a foreign corporation, the place of incorporation;
 - d. If an association, the application shall show the association's principal business address and telephone number, if any, and shall show names and principal business or residence addresses and telephone numbers of all members of the association unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the name and principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association. If the association is a part of a multistate organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.
 - (4) The names, mailing address and telephone number of all individuals who will be in direct charge or control of the solicitation;
 - (5) The time period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion;
 - (6) A description of the methods and means by which the solicitation is to be accomplished;
 - (7) The nature of merchandise to be sold or offered for sale or the nature of the services to be furnished;
 - (8) Whether such applicant, upon any such order so obtained, will demand, accept or receive payment or deposit of money in advance of final delivery;

- (9) A statement to the effect that if a permit is granted, such permit will not be used as or represented to be an endorsement by the city or any of its officers or employees;
 - (10) Any other information which the city deems necessary for the administration of this article.
- (b) The application must be signed by the applicant, if the person applying is an individual; if the person applying is a partnership, by the partner charged with disbursing funds solicited; if the person applying is a corporation or an association, by its officer charged with disbursing the funds solicited. The individual signing the application shall sign the application and swear before an officer authorized to administer oaths that he has carefully read the application and that all the information contained therein is true and correct.
 - (c) Information provided by applicant will be subject to verification by the police department.
 - (d) Such application shall also show satisfactory written proof of the individual's authority to represent the company.
 - (e) Application must be accompanied by a copy of a valid state sales tax certificate, if applicable.
 - (f) The application shall be accompanied by a nonrefundable fee of twenty dollars (\$20.00), and no permit provided for by this division shall be issued until such fee has been paid by such applicant.

Sec. 11. - Exemption from application fee.

- (a) Application fee shall not be required of ordinary commercial travelers who sell or exhibit for sale goods, wares or merchandise to persons selling and dealing in the same within the city.
- (b) Individuals who file a statement with the police department indicating their indigent status.

Sec. 12. - Permit issuance for commercial solicitation, duration and form.

- (a) A permit applied for under this division shall be issued by the city police department within ten (10) days after the application is completed and filed, unless it is determined that the applicant has provided false or incomplete information on its application.
- (b) A permit requested under this division shall be issued for the length of time requested, not to exceed 30 days.
- (c) The city shall prescribe the form of the permit. Each such permit shall be printed in black except that the following shall be printed prominently thereon in red: "The issuance of this permit is not an endorsement by the City of Nevada or any of its officers or employees. Each permit shall bear a permit number which is the same as the file containing the application filed by the same applicant.

Sec. 13. - Denial or revocation of permit to solicit for commercial purpose.

A permit to solicit for a commercial purpose may be revoked and the solicitor may be prohibited from reapplying for the period covered by the original application, or an application to solicit may be denied, when it has been determined that:

- (1) An applicant has knowingly given false or misleading information on an application; or
- (2) A solicitor, while soliciting, is charged and subsequently convicted of theft or fraud or a violation of any city, state, or federal law, in connection with said solicitation; or
- (3) A solicitor or the entity has made, or caused to be made, false statements or misrepresentations to any member of the public with regard to the solicitation; or

Sec. 14. - Appeal from denial or revocation of permit to conduct commercial solicitation.

Should an applicant be denied a permit or have a permit revoked, the applicant may appeal that action to the city manager or his designee by submitting a letter to the city secretary within ten (10) days of the action complained of. A hearing on the denial will then be scheduled within seven (7) days of the receipt of the appeal, to be held within fifteen (15) days. The mayor, or his designee, shall render a decision on the appeal within three (3) days of the date of the hearing. The decision of the mayor, or his designee, shall be final

Sec. 15. - Exemption from application fee.

- (a) Application fee shall not be required of ordinary commercial travelers who sell or exhibit for sale goods, wares or merchandise to persons selling and dealing in the same within the city.
- (b) Individuals who file a statement with the City indicating their indigent status.

Sec. 16. - Permit issuance for commercial solicitation, duration and form.

- (a) A permit applied for under this division shall be issued by the city within ten (10) days after the application is completed and filed, unless it is determined that the applicant has provided false or incomplete information on its application.
- (b) A permit requested under this division shall be issued for the length of time requested, not to exceed 30 days.
- (c) The city shall prescribe the form of the permit. Each such permit shall be printed in black except that the following shall be printed prominently thereon in red: "The issuance of this permit is not an endorsement by the City of Nevada or any of its officers or employees." Each permit shall bear a permit number which is the same as the file containing the application filed by the same applicant.

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- (1) An applicant has knowingly given false or misleading information on an application; or
- (2) A solicitor, while soliciting, is charged and subsequently convicted of theft or fraud or a violation of any city, state, or federal law, in connection with said solicitation; or
- (3) A solicitor or the entity has made, or caused to be made, false statements or misrepresentations to any member of the public with regard to the solicitation; or

ITINERANT VENDORS AND CARNIVALS^[7]

Sec. 17-Vendors

(a) *Requirements for itinerant vendors and carnivals.* The following requirements shall apply to both itinerant vendor and carnivals:

- (1) A permit is required to operate a temporary business on privately owned property;
- (2) A non-refundable permit fee in the amount of one hundred dollars (\$100.00) is required to be paid to the city upon application;
- (3) Compliance with all city ordinances is required;
- (4) Tents, food, animals, stages, and any allowable temporary structure shall require appropriate city permits or inspections as directed by the building official or his designee;
- (5) Proof of a valid state sales tax certificate or tax exemption is required;
- (6) Proof of permission from the owner of the private property where the temporary business is located is required. Hours of set-up and operation of the temporary business shall be limited to between 7:00 a.m. and 10:00 p.m. daily;
- (7) A dimensioned or scaled site plan indicating the location of the display area, curb cuts, and parking area is required;
- (8) No living quarters of any kind shall be permitted to be located on the site of a temporary business.

(b) *Regulations applicable solely to itinerant vendors.* The following regulations shall apply solely to itinerant vendors:

- (1) A permit application shall be filed with the building inspection department at least five (5) calendar days prior to the first day of operation of the temporary business. The permit must be displayed at the temporary business in such a manner that it is clearly visible from the abutting street and must be available on request from any city official;

- (2) An itinerant vendor permit shall be issued for a minimum of five (5) days and shall not exceed forty-five (45) days in each calendar year. No physical address shall have an itinerant vendor business more than forty-five (45) days in any calendar year;
 - (3) The itinerant vendor must provide at least one unisex portable sanitary facility. In lieu of the portable sanitary facility, the vendor may provide a permission letter from the owner or manager of a property located within a 200-foot radius of the temporary business granting permission to use their sanitary facilities; however, the property where the itinerant vendor has permission to use the sanitary facilities cannot be located across a thoroughfare of four (4) lanes or larger.
- (c) *Regulations applicable solely for carnivals.* The following regulations shall apply solely to carnivals:
- (1) A permit application shall be filed with the building inspection department at least thirty (30) calendar days prior to the first day of operation of the temporary business. The permit must be displayed at the temporary business in such a manner that it is clearly visible from the abutting street and must be available on request from any city official;
 - (2) No more than three (3) carnivals shall be conducted at the same address in any calendar year. No carnival operator shall be issued more than three (3) permits in any one calendar year. A permit issued under this subsection shall not exceed two (2) weeks per permit period. The two-week period shall commence on the first day the carnival is in operation. All carnival equipment including, but not limited to trucks, trailers, rides, and booths, shall be removed from the property in its entirety upon permit expiration. More than one permit shall not be issued in the same or consecutive months;
 - (3) A carnival shall be located a minimum of five hundred (500) feet from a residential zoning district. For purposes of this subsection, the measurement shall be in a direct line from the nearest portion of any property line of the lot on which the carnival is located to the nearest portion of any property line on which a residential structure is located;
 - (4) The carnival operator shall provide at least two (2) unisex portable sanitary facility and additional portable sanitary pursuant to the same requirements listed in subsection 6-712(a)(1)(ii) of the City Code of Ordinances, which addresses outdoor toilet facilities;
 - (5) The carnival operator shall provide the city with a copy of the written inspection and/or reinspection certificate and insurance policy required under the Texas Occupations Code for amusement rides.
- (d) *Revocation of permit.* The building official or his designee shall have the sole discretion to revoke a permit issued pursuant to this division upon the following conditions:
- (1) Upon a violation of law; or
 - (2) Upon determination of a false or misleading statement or omission of material fact on an application for a temporary business.
- (e) *Appeals.* Revocation of any permit issued pursuant to this division may be appealed to the city manager or his designee. Such appeal shall be in writing and shall be filed with the city manager within five (5) business days after the building official or his designee has revoked the permit. The decision of the city manager or his designee shall be issued within five (5) business days and shall be final.

- (f) *Penalty.* Any violation of the provisions or terms of this division by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with subsection of not more than Five Hundred dollars for each offense. Every day a violation continues shall constitute a separate offense.

JOB PLACEMENT ACTIVITIES

Sec. 18. - Prohibition of job placement activities in unauthorized locations.

- (a) No person shall engage in or attempt to engage in job placement activities in an unauthorized location. This section shall not apply to job placement activities concerning employment or business for the owner or lawful tenants of the subject premises.
- (b) This section shall only apply to unauthorized locations where the location has a notice posted in both English and Spanish in a conspicuous place at each entrance and exit to such location not less than eighteen (18) by twenty-four (24) inches in size with lettering not less than one (1) inch in height and not to exceed, in total area, six (6) square feet. The notice shall be in substantially the following form:

It is unlawful to engage in job placement activities on these premises.

SECTION 19. SAVINGS CLAUSE. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 20. REPEALER CLAUSE. This Ordinance shall be cumulative of all provisions of ordinances of the Town except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 21. PENALTY. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction may be punished by a fine not to exceed Five Hundred and no/100 Dollars (\$500.00), plus Court costs.

SECTION 23. SAVINGS CLAUSE. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 24. REPEALER CLAUSE. This Ordinance shall be cumulative of all provisions of ordinances of the Town except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 25. PENALTY. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction may be punished by a fine not to exceed Five Hundred and no/100 Dollars (\$500.00), plus Court costs.

SECTION 26. EFFECTIVE DATE. This Ordinance shall become effective upon publication of the caption as required by law.

PASSED AND APPROVED this 1 day of MARCH, 2022.

TOWN OF NEVADA, TEXAS



Ben Ponce, Mayor

ATTEST:



Judy Hill, City Secretary

Agenda Item # 9



NORTH TEXAS PAVING, llc

21009 State Highway 64
Canton, Texas 75103
682 - ASPHALT
682asphalt@gmail.com
www.ntxpaving.com
OFFICES LOCATED IN:
CANTON..FORNEY..DFW....SULPHUR SPRINGS....LAKE FORK..MT VERNON

Estimate/ Contract

Estimate No: 20212200101
Date: 08/01/2023

For: CITY OF NEVADA
citysecretary@cityofnevadatx.org

Description	Quantity	Rate	Amount
STREET POT HOLE REPAIRS	1	\$0.00	\$0.00
DIG OUT AND REMOVE FAILED DESIGNATED AREAS OF ALL STREETS RE COMACT SUB BASE OR ADD FLEX STONE BASE WHERE NEEDED APPLY RC-250 TACK COAT TO INSURE PROPER BONDING REPAIR WITH TYPE D ASPHALT HOT MIX COMPACT AND ROLL PER TON PRICE.....\$285 per ton ESTIMATED TONNAGE NEEDED APPROX 100 TONS			
Subtotal			\$0.00
8.25% (\$0.00)			\$0.00
Total			\$0.00
Total			\$0.00

Terms and Conditions

BY SIGNING THIS DOCUMENT, IT NOW BECOMES A CONTRACT.

WARRANTY DISCLAIMER:

WARRANTY COVERS ANY FAILED AREAS DURING WARRANTY PERIOD.
BUT DOES NOT COVER ANY VEGETATION GROWTH...

NOTE: CONTRACTOR IS ALSO NOT RESPONSIBLE FOR ANY SUB GRADE THAT IS EXISTING OR DONE BY ANOTHER CONTRACTOR.....



NORTH TEXAS PAVING, llc

21009 State Highway 64
Canton, Texas 75103
682 - ASPHALT
682asphalt@gmail.com
www.ntxpaving.com
OFFICES LOCATED IN:
CANTON..FORNEY..DFW....SULPHUR SPRINGS....LAKE FORK..MT VERNON

Estimate/ Contract

Estimate No: 20212200100
Date: 09/15/2023

For: CITY OF NEVADA
citysecretary@cityofnevadatx.org

Description	Quantity	Rate	Amount
CITY PARKING LOT	1	\$29,500.00	\$29,500.00
GRADE AREA FOR PROPER DRAINAGE INSTALL FLEX STONE BASE AS NEEDED WATER AND ROLL BASE FOR COMPACTION OVERLAY WITH TYPE D ASPHALT HOT MIX ROLL AND COMPACT APPROX...7,723 sq ft 2 YEAR WARRANTY TERMS..... 50% DOWN BALANCE ON COMPLETION			
Subtotal			\$29,500.00
0% (\$29,500.00)			\$0.00
Total			\$29,500.00
Total			\$29,500.00

Terms and Conditions

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