

ORDINANCE NO. 17-18

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 16-32; ADOPTING REVISED POLICIES AND PROCEDURES FOR THE OPERATION OF THE CITY OF BRECKENRIDGE BRECK TRADE DAYS; ESTABLISHING SET SHOW DAYS FOR BRECK TRADE DAYS; AND ESTABLISHING A NEW BUSINESS MODEL FOR THE SAME; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Breckenridge first established the Breck Trade Days Policies and Procedures on January 6, 2015 by Ordinance No. 15-01 but has since revised those Policies and Procedures through subsequent Ordinance No. 15-08, 15-10, 16-07 and Ordinance 16-32;

WHEREAS, the City Commission wishes to revise the Breck Trade Days Policies and Procedures to establish set days for shows during Breck Trade Days; and to make various additional changes that have become necessary to assist in the growth of Breck Trade Days; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

The City Commission hereby adopts this ordinance, declaring as follows:

Section 1. Repeal. Ordinance No. 16-32, adopted on January 3, 2017, is hereby repealed and replaced by this Ordinance No. 17-18.

Section 2. Title. This ordinance shall be referred to as the Breck Trade Days Policies and Procedures Ordinance.

Section 3. Adoption of Policies and Procedures. The City Commission of the City of Breckenridge is hereby adopting policies and procedures concerning the operation of and participation in the City's Breck Trade Days. The "Policies and Procedures" attached here as "Exhibit A" are hereby adopted and incorporated herein by reference as if cited herein verbatim and shall be incorporated into a brochure for distribution to the public.

Section 4. Management. The City Manager shall have primary responsibility and authority for the management of Breck Trade Days. At the election of the City Manager and with the approval of the City Commission, the City may enter into a contract, or contracts, with a person, persons or other entities for the management of any or all of the activities associated with Breck Trade Days, such management to be provided under the supervision and direction of the City Manager and collectively referred to herein as Breck Trade Days management.

Section 5. Enforcement and Appeals Process. Upon determination by the City Manager or Breck Trade Days management that a vendor has failed to comply with the Breck Trade Days Policies and Procedures, as adopted by the City Commission, management shall notify said vendor verbally or in writing, addressed to the last known address provided by the vendor, that the vendor lot rental will not be renewed for the following market. Such notice shall describe the vendor's violation of Breck Trade Days Policies and Procedures and inform the vendor of his right to appeal management's decision to the City Manager in writing addressed to City Offices within ten days from receipt of the notice of the violation.

Upon receipt of a written appeal, the City Manager, at his option, may schedule a meeting with Trade Days management and the vendor to review the matter. The City Manager shall notify the vendor, in writing, of the determination of the appeal. Failure to comply with the Policies and Procedures referred to herein may result in removal and/or eviction of the violator and/or violator's employer from the premises and/or loss of or eviction from the rented lot, subject to the notice provision in this Section 5, above.

Section 6. Violation and Penalties. Violation of the Breck Trade Days Policies and Procedures shall be a Class C misdemeanor. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the enforcement of any of the provisions of the Breck Trade Days Policies and Procedures, may be cited and, upon conviction thereof in the municipal court, shall be punished by a fine of not less the Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 7. Amendments, Revisions and Rescission. The Breck Trade Days Policies and Procedures may be amended, revised or rescinded by the City Commission of the City of Breckenridge at any properly noticed meeting of the Commission at which a quorum is present.

Section 8. Severability of Provisions. If any provision, clause, sentence, paragraph, section, or part of this ordinance, or application thereof to any person, firm, corporation, public agency or unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provisions to other persons, firms, corporations, public agencies, or circumstances, but shall be continued in its operation to the provisions, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in agency, or circumstances involved. It is hereby adopted has such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

Section 9. Repeal. All Ordinances or part of Ordinances in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

Section 10. Effective Date. This Ordinance shall become effective and in full force and effect after its final adoption and publication as may be required by the Charter and/or the Texas Local Government Code.

PASSED AND APPROVED this the 5th day of December 2017.

PASSED, APPROVED AND ADOPTED this the 2nd day of January, 2018.


Jimmy McKay, Mayor

ATTEST:

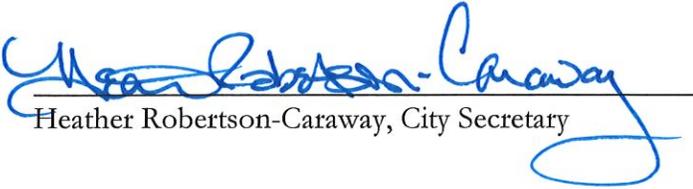

Heather Robertson-Caraway, City Secretary



Exhibit "A"
BRECK TRADE DAYS
POLICIES AND PROCEDURES
EFFECTIVE JANUARY 3, 2018

General Information

Show Schedule

An annual schedule will be set by the City Manager. Starting in January 2018 - **Monthly shows** – 3rd Saturday (Vendors may set up on Friday)

The following dates are for 2018:

Jan 20	Apr 21	Jul 21	Oct 20
Feb 17	May 19	Aug 18	Nov 17
Mar 17	Jun 16	Sep 15	Dec 15

Show Hours

Vendors may sell on Saturday from 7:00 a.m. until dark.

Set-Up Hours

Vendors generally may set up on Friday; however, no security will be available on Friday.

Overnight Occupancy

Vendors may stay overnight within the confines of their assigned lots; however, campfires, open flames, alcohol consumption, or any illegal activities are prohibited.

Vendor Information

Vendors are required to have a Texas Sales Tax Permit with exceptions allowed by the State for animal and agricultural vendors. Call Texas State Comptroller at 800-252-5555, Robin Whalen at 325-695-4323 ext. 40138 or visit their website at www.window.state.tx.us.

Vendors are solely responsible for their merchandise, property and business transactions. Merchandise left unattended shall be entirely at the vendor's/owner's risk. The City of Breckenridge is not liable for the loss or theft of any property or merchandise.

Vendors must provide their own tents, tables, chairs, displays, extension cords, water hoses, and other equipment. At management's discretion, electrical bar strips may not be allowed. Extension cords must be grounded.

Vendors must sell only within the confines of their rental lot. No hawking, loud music, or amplifiers will be allowed for any purpose, including drawing the attention of shoppers.

Food Vendors

Food vendors will be allowed only on food lots designated by management. Picnic tables will be provided in an area close to the Food Court. All food items prepared for immediate consumption may only be sold from a designated food lot. All food concessions must meet Texas Department of Health standards, and all food concessions are subject to periodic inspection. Fresh produce and pre-packaged foods sold in bulk may be sold from any lot.

Livestock Vendors

Approved livestock vendors may sell livestock in designated livestock area that includes, but is not limited to: horses, donkeys, mules, cattle, sheep, goats, chickens, ducks, fowl, rabbits, exotic birds, and fish. No dogs or cats may be sold or given away at Breck Trade Days, except for the Humane Society if they choose to participate. The State of Texas requires the following:

Poultry – Vendors selling poultry must have a Pollorum Typhoid Test for their flocks and must be registered with the Texas Animal Health Commission.

Equine – Vendors selling horses, mules, or donkeys must have a Coggins test.

Goats and Sheep – Vendors selling goats and sheep must have a Scrapie ID ear tag, unless registered. If registered you must be able to show registration tattoo as well as registration papers.

Agricultural Vendors

Approved agricultural vendors may sell produce, fruit, herbs, or any other food product locally grown or raised for human consumption. A food vendor lot is not required for the sale of fresh produce or pre-packaged food sold in bulk. No state sales tax certificate is required.

Prohibited Items for Sale or Use

Management reserves the right to restrict the sale, display, or distribution of any printed materials, photographs, books, paraphernalia, or other representations in order to maintain a proper moral and wholesome environment.

No one shall make available or distribute handbills, or political, religious or solicitation materials on the Trade Days grounds outside of their lot space.

Advertisements outside of a rented lot may be posted at designated locations only.

The sale or use of alcohol or tobacco products is not permitted on the Trade Days grounds; use of tobacco products may be permitted in areas designated by Trade Days management.

No explosive devices or devices with offensive odors (i.e. stink bombs, smoke bombs, snaps, etc.) may be sold or used on the Trade Days grounds.

Trade Days lots may not be used for games of chance, skill, lotteries, raffles, palm reading, auctions or any purpose which is carnival related except for local non-profits approved by management.

The sale of animals is prohibited, except in the Breck Barnyard areas designated by Trade Days management for this purpose.

General Regulations for Trade Days Grounds

Vulgar language, drugs, and alcohol or any other illegal or contraband item or substance are prohibited at all times on the Trade Days grounds.

Only domestic animals will be allowed on the Trade Days grounds and must be kept on a leash or in a carrier at all times. No aggressive, vicious, or noisy animals will be allowed on the Trade Days grounds and must be removed immediately upon direction of Trade Days management. A vendor may be evicted from a rented lot for failing to remove an animal as directed by Trade Days management.

ATMs

ATMs are located three (3) blocks from the Trade Days Grounds at the First National Bank drive-thru on Hulum Street, at InterBank at 301 W. Walker, and at Wal-Mart at 3800 W. Walker.

Vendor Reservations

General

Generally lots are first come - first served.

If a vendor wishes to reserve a lot for the next show, the charge will be \$10.00. Full payment is due at the time of reservation.

Reservations for the next show will be taken up to and through the Monday before the show begins. Repeat vendors have first choice of their lots through that Monday.

Open lots may be reserved on Monday after the show starting at 10:00 a.m. at the Chamber of Commerce office at 100 E. Elm Street or by phone at 254-559-2012.

Adjoining Lots

When a lot comes open, generally the adjoining vendors have first choice. The final decision on renting open lots rests with management.

Fees and Payments

General/Food Vendors

- RV sites (with electric, water, sewer) \$ 25 per show
- Public parking Free

Payments may be made with cash, money order, check (ID required), credit card (3% fee added), or debit card.

Payments may be mailed to Breck Trade Days, PO Box 1668, Breckenridge, TX 76424. There is a \$30 charge for returned checks.

Sub-lease, Sale or Transfer of Lots Prohibited

The sale, assignment, sub-lease, or transfer of lots by anyone other than Trade Days management is prohibited.

Management reserves the right to relocate vendors.

Trash

All vendors are responsible for keeping their lots clean, clear of trash at all times, and for disposing of all trash associated with their activities, periodically and before leaving the premises. Bagged trash will be picked up by City Staff. All other trash including boxes, pallets, stretch wrap, packing paper, and packing materials, including Styrofoam peanuts, etc. must be taken to a roll-off container by the vendor.

Animal vendors are required to clean their stalls and will be provided with manure barrels for disposition of animal wastes.

Traffic and Parking

The speed limit throughout the park is 10 mph.

RVs and campers must be parked in designated areas in the park. There are a limited number of RV sites with hook-ups in the park. Vendors will be given first opportunity to reserve RV sites. RV sites not reserved by 8:00 a.m. on the Monday before the show will become available on a first-come, first-served basis.

Contact Information

www.facebook.com/BreckTradeDays

btd@breckenridgetx.gov

254-559-2012 (City of Breckenridge)