



CITY OF WESLACO

PLANNING & CODE ENFORCEMENT DEPARTMENT

*****NOTE: PROCESSING TIME TAKES ABOUT TEN BUSINESS DAYS*****

THE FOLLOWING IS REQUIRED AS PART OF THE APPLICATION:

_____ Completed & Notarized Application	_____ Letter of Authorization from business
_____ Copies of TX DL or ID's of 4 - 7 people assisting	_____ **Letter must be typed on Business Letter Head
_____ Proof of Non-Profit Status	_____ Processing fee (\$75) Non-refundable
_____ Letter of Intent/Purpose for fundraiser	_____ Receipt#

THIS PART FOR OFFICE USE ONLY

TO: City Health Official,
Police Chief,
Fire Marshal,

BL# _____

FROM: Planning/Code Enforcement Office

SUBJECT: Fundraiser Application

DATE SUBMITTED: _____, 20____

Please review the attached application and submit your comments to the P/CE Department as soon as possible. Should you have any questions, please call (956) 447-3401.

Route	STAFF
Date/Initial	RESPONSES

**THIS SECTION
FOR P/CE ONLY
DATE RECEIVED**

POLICE CHIEF SIGN/DATE:

FIRE MARSHAL SIGN/DATE:

CITY HEALTH OFFICIAL SIGN/DATE:



CITY OF WESLACO
PLANNING & CODE ENFORCEMENT DEPARTMENT

FUNDRAISERS APPLICATION

FILE NO. _____

*****NOTE: PROCESSING TIME TAKES ABOUT TEN BUSINESS DAYS*****

NAME: _____ PHONE: _____

D.O.B.: _____ D.L. # _____

PERMANENT ADDRESS: _____

NAME & PHONE OF COMPANY, FIRM OR ORGANIZATION REPRESENTING: _____

ADDRESS OF COMPANY OR ORGANIZATION: _____

NAMES OF ALL PERSONS ASSOCIATED WITH BUSINESS: 1) _____

2) _____ 3) _____

4) _____ 5) _____

6) _____ 7) _____

LOCATION OF EVENT (INTERSECTING STREETS) : _____

GENERAL DESCRIPTION OF THINGS TO BE SOLD: _____

PROOF OF LIABILITY INSURANCE: _____

*****Please Note: Once an application is approved the issuance of a permit can take up to 10 days to process*****

I, hereby swear (under oath) that I have (have not) been sued in a civil or criminal proceeding in a duly constituted court of law of any form of fraud, theft or embezzlement, and swear to my knowledge the person, partnership, firm association, corporation or other business entity that I represent, has (has not) been convicted in a court of law of any form of fraud, theft or embezzlement.

Applicant Signature

NOTARY

Sworn and subscribed before me at Weslaco, Texas, this the _____ day of _____, 20____

Notary Public is and for Hidalgo County, Texas

My Commission Expires: _____

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CITY OF WESLACO

PLANNING & CODE ENFORCEMENT DEPARTMENT

Sec.102-04 Fundraisers / Food Plate Sales

(a) Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. **Fundraising:** means a person who gathering voluntary contributions of money or other resources.
- b. **Food Plate sale:** means a person who sets up temporarily to Barbecue or cook food on an occupied property whose owner has agreed in writing to allow access to bathroom facilities and parking as required by the business.
- c. **Services:** useful labor that does not produce a tangible commodity
- d. **Nonprofit Organization:** means a business entity that is granted tax-exempt status by the Internal Revenue Service.
- e. **Church Organizations:** All religious organizations must provide tax-exempt status from the Internal Revenue Service (IRS).
- f. **Food Handler License:** It shall be unlawful for any person to handle food without obtaining a food handling certification. A minimum of two hours of food sanitation training is required every two years to ensure employee performance of their duties in accordance with food service sanitation ordinances, rules and regulations.
- g. **Peddler:** means any person with no fixed place of business who goes from house to house, from place to place, or from street to street, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries to purchaser.
- h. **Solicitor:** means any person who goes from house to house, from place to place, or from street to street soliciting or taking or attempting to take orders for any goods, wares, or merchandise, including books, periodicals, magazines, or personal property of any nature whatsoever, for future delivery. The term "solicitor" does not include any person taking or attempting to take orders to be filled by goods, wares, or merchandise delivered to the purchaser from other states.

(b) License—Required.

No organization, peddler, solicitor or person shall sell or offer to sell any food, merchandise or provide services within the city unless a license therefore shall first be secured as provided in this section.

(c) Application and issuance.

- a. Application for such license shall be made to the city's planning and code enforcement department on a form supplied by the city. The application shall state:
 - i. The name and address of the applicant and all persons associated with him in his business or organization (proof of identification required).
 - ii. The type of sale or services for which the license is desired.

- iii. Written permission from the owner of record or a legal representative of the property on which the use is to be located. If the location is a business the letter must have an original letterhead from such business. Letters with a business stamp and a managers or supervisors signature will not be allowed. A new letter must be submitted per occurrence per permit.
- iv. The length of time for which the license is desired (three consecutive days maximum).
- v. A general description of the things to be sold or services rendered.
- vi. The place of residence of the applicant for the five years preceding the date of application.
- vii. A yearly application must be filed with the Planning and Code Enforcement Department and shall be issued upon a nonrefundable payment of \$75.00. Every application shall bear the written approval of the chief of police after an investigation of the moral character of the applicant is conducted. **Yearly process must be submitted at least 14 days prior to any planned event.**

The permit application shall be presented to the city's planning department for its consideration of each occurrence, and, if granted, a license shall be issued upon payment of **\$20.00 per day for a maximum of 3 consecutive days.**

(d) Nontransferable.

A license issued under the provisions of this chapter shall not authorize any person other than the person named in said license to engage in business there under, and such license shall not be transferable. The licenses are limited to one per household or organization, as determined by state issued identification.

(e) Required to be carried during conduct of sale.

Every person licensed under this section shall have with him, while engaged in such sale, the license received by him from the city, and shall produce the same at the request of any city official or at the request of any individual within the city to whom he is selling or attempting to sell the same.

(f) Requirements.

All food plate sales or services offered within the city must meet the following requirements:

- a. No person providing plate sales or services will be allowed from a vacant lot or any street right-of-way easement, sidewalk or alley.
- b. No person providing plate sales or services will be allowed on FM 88 (Texas Blvd.) rights-of-way between the city limits.
- c. All food plate sales or services provided by any person shall operate with equipment and/or displays that can be entirely removed from the site at the end of each day of operation.

- d. All persons providing food plate sales or services must have permission from the owner of record of the property where an already established legally conforming business use exists to allow the applicant to share parking and restroom facilities provided and maintained by the main business use on the lot, and both businesses must continue to be in compliance with all city ordinances, as described (c).a.iii.
- e. The planning and code enforcement department (and other departments, as necessary) shall inspect the site for compliance to regulations, such as health requirements for a food vendor, and parking regulations for the site. Such department shall issue citation and summons as necessary for any violation this article.

(g) Practices prohibited.

No person licensed under the provisions of this chapter shall within the city call attention to his business or to the goods, wares or merchandise which he is selling or offering for sale by crying them out, blowing a horn, ringing a bell or by any loud or unusual noise.

(h) Nonprofit charitable organizations.

This article exempts nonprofit charitable organizations from license fees based on written proof and verification of nonprofit status, which must be filed with the city's planning and code enforcement department by an authorized representative of the organization.

This chapter shall not apply to mobile vendors, sales made by commercial travelers or selling agents in the usual course of business with bona fide dealers, bona fide sales of articles by sample for delivery at a future date, sales conducted pursuant to statute or by order of any court, bona fide auction sales conducted by an auctioneer duly licensed under state statutes or by order of any court, or persons selling or peddling the products of the farm or garden cultivated by such persons.

(i) Revocation.

Any license issued under the provisions of this article shall be subjected to revocation by the city planning and code enforcement department, and other departments, as necessary, upon satisfactory proof of a violation of the provisions of this article by such licensee; provided, however, that such licensee shall be given notice of such proposed revocation.

(j) Duration.

No license shall be issued or granted for more than a three-day continuous period. Applicants, including nonprofit charitable organizations, may renew licenses up to (4) four times a year. In the event special circumstances should arise requiring additional licenses to be issued to the applicant, such applicant, upon approval by the City Planning and Code Enforcement Director, may receive an exemption to this section in writing allowing for the issuance of an additional license, which shall be secured following the specifications set forth in this chapter.