

**ORDER ESTABLISHING RULES
FOR ROADSIDE VENDORS IN THE UNINCORPORATED AREAS
OF HIDALGO COUNTY, TEXAS**

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**ARTICLE 1
ESTABLISHMENT AND GENERAL PROVISIONS**

Authority

These rules are adopted by the Commissioners Court acting in its capacity as the governing body of Hidalgo County. Hidalgo County adopts these rules under the authority of Texas Transportation Code, Chapter 285 to regulate the place and manner of roadside vendors and solicitation.

Purpose

The purpose of these rules is to protect the public health, safety, and welfare by requiring roadside vendors in the unincorporated areas of Hidalgo County to maintain a safe distance from the right-of-way of a public highway, road and/or parking lot.

Area of Jurisdiction

These rules shall apply to all of the areas of Hidalgo County except for the areas within the boundaries of the incorporated cities of Hidalgo County.

Effective Date

These rules shall become effective upon adoption by the Commissioners Court.

Construction, Precedents, and Interpretation

These rules shall be construed liberally to accomplish their purpose. The Commissioners Court shall resolve any question regarding any interpretation of these rules. In the event of any conflict between the rules and a State law, the State law prevails. The masculine, feminine, and neuter genders shall be construed to include the other genders as required. The singular and plural shall be construed to include the other number as required.

Severability

If any provision of these rules or the application thereof to any person or circumstances is held invalid, the validity of the remainder of these rules and the application thereof to other persons and circumstances shall not be affected.

**ARTICLE 2
DEFINITIONS**

VENDOR – any person who is engaged in the sale of items including food, merchandise or live animals; who erects, maintains or places a structure for the sale of food or merchandise, including live animals; or who solicits money pursuant to these rules as provided by Texas Transportation Code Section 285.001(a).

ADMINISTRATOR – the Administrator of the Hidalgo County Planning Department or his authorized agents.

COMMISSIONERS COURT– Hidalgo County Commissioners Court.

COUNTY – The County of Hidalgo, Texas and/or its authorized agents.

MOTOR VEHICLE –

- a. any motor driven or propelled vehicle required to be registered under the laws of this state;
- b. a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;
- c. a house trailer;
- d. an all-terrain vehicle, as defined by Section 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or
- e. a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state, other than a motorcycle, motor-driven cycle, or moped designed for and used exclusively on a golf course.

PERSON – any natural person, trust, estate, partnership, limited partnership, association, company or corporation.

**ARTICLE 3
DUTIES AND POWERS**

The Administrator is required by the Commissioners Court to perform the following:

- a. To enforce these rules and to make appropriate recommendations to proper County authorities when instances of noncompliance with these rules has been determined.

**ARTICLE 4
ADMINISTRATIVE PROVISIONS**

SECTION A. NOTICE OF REGULATION

The Administrator may provide notice to Vendors of requirements pursuant to these rules. Law enforcement authorities may issue a citation to a Vendor at any time.

SECTION B. INVESTIGATION OF COMPLAINT

The Administrator shall investigate complaints made against a Vendor and shall notify law enforcement authorities of violations by a Vendor as necessary.

**ARTICLE 5
REQUIREMENTS FOR OPERATIONS**

SECTION A. COMMENCEMENT OF OPERATIONS

A person shall not engage in the sale of items including food or merchandise, to include live animals; erect, maintain or place a structure for the sale of food or merchandise, to include live animals; and/or solicit money on a public highway or road; in the right-of-way of a public highway or road or in a parking lot within the unincorporated areas of Hidalgo County pursuant to these rules as provided by Texas Transportation Code Section 285.001(b).

SECTION B. COMPLIANCE WITH TRANSPORTATION CODE

A Vendor shall comply with all conditions placed by the Commissioners Court pursuant to these rules and with all applicable provisions of the Texas Transportation Code. Motor vehicles parked on a public highway or road and/or in the right-of-way of a public highway or road may be cited by law enforcement.

SECTION C. COMPLIANCE WITH RULES FOR REGULATION OF MOBILE FOOD VENDORS

A Vendor shall comply with all conditions placed by the Commissioners Court pursuant to the Rules for Regulation of Food Establishments in the Unincorporated Areas of Hidalgo County as adopted by the Commissioners Court on March 5, 2014.

SECTION D. REGULATION OF ACTIVITIES

The regulation of activities on or in the right-of-way of a public highway or road is limited to public highways and roads with a speed of 40 miles per hour or faster as provided by Texas Transportation Code Section 285.001(b)(1).

SECTION E. LOCATION OF ROADSIDE VENDOR

A Vendor may be located not closer to the edge of the public highway or road than a distance that is equal to one-half the width of the right-of-way adjacent to the highway or road as provided by Texas Transportation Code Section 285.001(b).

SECTION F. EFFECT OF LOCAL ORDINANCES

A vendor must comply, to the extent practicable, with all application ordinances adopted by a political subdivision.

**ARTICLE 6
VIOLATIONS**

SECTION A. WARNING

If a Vendor is found to be in violation of these rules, the Administrator shall provide the Vendor with documentation that Vendor is in violation and ask the Vendor to voluntarily remedy the violation until it is determined to be in compliance with the applicable rules.

SECTION B. COLLECTION OF SUPPORTING EVIDENCE

If the Administrator determines the Vendor is in violation of these rules, the Administrator may collect evidence in support of the violation, including, but not limited to, photographs and video. The Administrator may prepare a signed report including all evidence and submit notice of the violation to law enforcement authorities.

SECTION C. IMMEDIATE ACTION

If the Administrator determines that the violation necessitates immediate action, the Administrator shall immediately contact law enforcement authorities and report the violation.

**ARTICLE 7
ENFORCEMENT**

SECTION A. INSPECTION

The Administrator may routinely inspect Vendors and activities to assure continued compliance with these rules and all applicable statutes.

SECTION B. CRIMINAL

A person who violates, as prescribed by Chapter 285 of the Texas Transportation Code, this Order commits an offense. A person commits an offense if the person knowingly violates this Order or obstructs or threatens to obstruct the removal of a structure that is in violation of this Order. An offense under this Order is a Class "C" Misdemeanor. A separate offense occurs under this Article on each day on which all of the elements of the offense exist.

Jurisdiction for prosecution of a suit under this Article is in the Justice of the Peace Courts.

Venue for prosecution of a suit under this Article is the Justice of the Peace precinct in which the violation is alleged to have occurred.