

ARTICLE 8.19 MOBILE FOOD VENDORS

Sec. 8.19.001 Definitions

Commissary location. An established location where food service providers can prepare and store their food, as well as a location to store a mobile unit while not in use.

Edible goods. All food products designed for human consumption.

Food service establishment. Any business that sells edible goods from a fixed location and has been inspected and approved by the Environmental Health Department, including commercial kitchens and commissaries.

Mobile. The state of being in active, but not necessarily continuous, movement; capable of being moved and not permanently fixed or placed.

Mobile food vendor. Any person that sells edible goods from a mobile unit within the city, except a person who has been issued a permit to operate an ice cream sales vehicle who is regulated pursuant to [article 8.14](#) of the Code of Ordinances of the city.

Mobile unit. Means and includes:

- (1) *Mobile food truck:* A self-contained motorized unit from which a mobile food vendor offers for sale or sells edible goods to the public;
- (2) *Concession cart:* A mobile vending unit that must be moved by non-motorized means from which a mobile food vendor offers for sale or sells edible goods to the public; or
- (3) *Concession trailer:* a vending unit that is pulled by a motorized unit and has no power to move on its own from which a mobile food vendor offers for sale or sells edible goods to the public.

Stationary location. Position of the mobile unit when not in motion and addressing the public for the purpose of sales.

(Ordinance 2014-O0157 adopted 11/20/2014; Ordinance 2020-O0102 adopted 8/11/2020)

Sec. 8.19.002 Inspections, permits and fee

(a) A mobile food vendor shall complete and submit an application for a mobile food-vending permit to the environmental health department manager, which shall be reviewed and approved by the director of planning. Said vendor shall further complete and pass all required inspections through the fire marshal's office and the environmental health department. The fee for submitting an application for a mobile food-vending permit shall be \$250.00, or as may hereafter be set forth in the annual budget, said fee to be paid at the time the application is submitted to the environmental health manager.

(b) A mobile food vendor shall obtain both a mobile food-vending permit and a food service permit from the environmental health department prior to conducting business in the city. All required inspections from the fire marshal's office must be successfully completed prior to consideration and approval of a mobile food-vending permit by the environmental health department.

(c) The mobile food-vending permit issued by the environmental health department shall be valid for one (1) year from the date of permit issuance.

(d) Exception: Mobile food vendors using concession carts solely for the sale of ice cream shall be exempt from this article.

(Ordinance 2014-O0157 adopted 11/20/2014; Ordinance 2020-O0102 adopted 8/11/2020)

Sec. 8.19.003 Permitted locations

Subject to the provisions of this article, mobile food vendors shall be permitted to conduct business in the following zoning districts: C-3, C-4, IHC, IHI, M-1, M-2, CB1, CB2, CB3, CB4, CB5, and CB6, or any equivalent district(s) should zoning designations be altered, as determined by the director of planning. Additionally, mobile food vendors shall be permitted to conduct business in the following locations; AM zoning district generally located within the boundaries of 19th Street to the north, Indiana Avenue to the east, 24th Street to the south, and Quaker Avenue to the west, more particularly described in the city's comprehensive land use plan as the "AM Policy District." Mobile food vendors shall be permitted to conduct business in city parks upon completion and receipt of a parks and recreation mobile food vendor agreement, but only in the places and times set apart and designated by the director of parks and recreation. (Ordinance 2014-O0157 adopted 11/20/2014; Ordinance 2020-O0102 adopted 8/11/2020)

Sec. 8.19.004 Distance regulations

- (a) A mobile food vendor shall not conduct business within any residential or apartment zoning district. A mobile food vendor shall not conduct business within two hundred (200) feet of the boundary line of any residential or apartment zoning district.
- (b) A mobile food vendor shall not conduct business within two hundred (200) feet of the primary entrance of an open and operating food service establishment. This buffer may be reduced upon receiving written, notarized permission from the owner of said establishment.
- (c) If a new food service establishment opens within the two hundred (200) foot buffer of a mobile food vendor as set forth in subsection (b) above, the mobile food vendor must receive written, notarized permission from the new establishment's owner to continue operating at that location.
- (d) A mobile food vendor shall not locate closer than nine (9) feet to any front property line (adjacent to any street) or any rear property line (adjacent to any alley). The mobile food vendor shall not locate a mobile unit in such a manner or location that obstructs or causes to be obstructed the passage of any sidewalk, street or alley or any other public place, by causing people to congregate at or near the mobile unit.
- (e) A mobile food vendor shall not locate on any private property without written permission to do so and must comply and leave the property if asked to leave by the property owner. A copy of the owner's written and notarized permission to operate in a specific location signed by the owner shall be kept within the mobile unit at all times.

(Ordinance 2014-O0157 adopted 11/20/2014; Ordinance 2020-O0102 adopted 8/11/2020)

Sec. 8.19.005 Hours of operation

No mobile food vendor shall operate between the hours of 3:00 a.m. and 6:00 a.m. The mobile unit shall be properly stored at its commissary location as required by [section 8.19.007](#) and shall not be left or stored at any alternate location. (Ordinance 2014-O0157 adopted 11/20/2014; Ordinance 2020-O0102 adopted 8/11/2020)

Sec. 8.19.006 Mobile food vendor requirements

The following regulations shall apply to mobile food vendors:

- (1) A mobile food vendor shall comply with all regulations established and enforced by the environmental health department and the fire marshal's office and maintain compliance with all requirements with regard to permitting.
- (2) Each mobile unit shall be equipped with a portable trash receptacle and the mobile food vendor shall be responsible for proper disposal of solid waste and wastewater in compliance with the Code of Ordinances of the city.

- (3) Noises emanating from a mobile unit shall not violate [article 14.04](#) of this Code of Ordinances or state law. Noxious fumes or odors shall not emanate from a mobile unit, unless effectively abated in an approved manner.
- (4) A mobile unit shall be parked on a properly paved surface as set forth in [section 40.01.003\(109\)\(A\)](#) of the Code of Ordinances of the city when at a stationary location.
- (5) A mobile unit shall not block any fire lane or drive aisle.
- (6) No mobile unit may park on a lot without a primary structure, unless the mobile unit is conducting business in the central business district.
- (7) Except as otherwise approved, a mobile food vendor shall register a commissary location with the environmental health department at which the mobile unit shall be stored when a mobile food vendor is prohibited from conducting business as set forth in [section 8.19.005](#).
- (8) No mobile food vendor shall conduct business in the public right-of-way and shall not block access to any parcel or alley, unless a proper street use license is approved by the city pursuant to [section 36.01.004](#) of the Code of Ordinances.
- (9) No mobile unit shall locate in such a manner as to cause any obstruction within a visibility triangle as set forth in [section 40.03.2196](#) of the Code of Ordinances.
- (10) It shall be unlawful for any person to operate as a mobile food vendor without complying with the state food establishment rules as amended from time to time.
- (11) a mobile unit shall be inspected by the fire marshal's office prior to the issuance of a mobile food-vending permit. The inspection shall take place at the fire marshal's office and shall include the following:
 - (A) A valid driver's license and current Texas Department of Public Safety license plates and state inspection sticker, except for a concession cart which is not required to have license plates or an inspection sticker. The mobile unit must be in good working order.
 - (B) A mobile unit must have a 2A:10B:C sized extinguisher with an annual inspection tag from a state-licensed inspection company or a receipt indicating purchase within the past year. If frying media (grease) is used, a class K extinguisher shall be required in the mobile unit. Any mobile unit equipped with an automatic extinguishing system shall have a current (bi-annual) inspection tag from a Texas licensed inspection company. All mobile units shall maintain ten (10) feet of clearance for access. Mobile units equipped with an automatic extinguishing system shall maintain ten (10) feet of clearance from combustible structures. Mobile units not equipped with an automatic extinguishing system that

produce grease laden vapors shall maintain a fifty (50) foot distance from combustible structures or parked, unattended vehicles.

(C) All cooking appliances in the mobile unit shall be of an approved type, listed and labeled, for the use intended. Appliances shall be installed in accordance with the manufacturer's instructions. Coleman camp stoves or the equivalent shall be prohibited. All cooking appliances shall have an approved, labeled and listed on-off valve.

(D) All propane and natural gas appliances shall be pressure tested annually and have only approved listed parts and no rubber hoses shall be allowed. All piping shall be in accordance with Natural Fire Protection Association (NFPA) 58 and be protected from physical damage. Mounting and placement of containers shall comply with NFPA 58 and Texas Department of Transportation regulations. The capacity limit of propane and natural gas containers or cylinders shall be determined by the fire marshal's office after consideration of features that secure and protect the container.

(E) Cooking surfaces in the mobile unit shall be kept clean of grease build-up. Trash containers and debris shall be emptied regularly. Extension cords shall not be utilized for appliances. Appliances shall be plugged directly into electrical outlets.

(F) The fire marshal's office is herein authorized to conduct all inspections as necessary to determine the extent of compliance at any time.

(Ordinance 2014-O0157 adopted 11/20/2014; Ordinance 2020-O0102 adopted 8/11/2020)

Sec. 8.19.007 Commissary location

(a) Any mobile unit stored on a commercial lot shall be entirely enclosed within a building, or hidden from view behind the primary structure.

(b) Any mobile unit stored in a residential area shall comply with the Code of Ordinances of the city as to the recreational vehicle standards for storage.

(Ordinance 2014-O0157 adopted 11/20/2014; Ordinance 2020-O0102 adopted 8/11/2020)

Section 40.01.003(109)(A)

(109) Off-street parking space: An area for the temporary storage of an automobile which shall be permanently reserved for such purpose and which shall not be within or on any public street, alley or other right-of-way. Such area shall:

(A) Have a permanent all-weather surface paved in accordance with city standards for residential streets.

Sec. 36.01.004 Display or sale of merchandise

It shall be unlawful for any person to display or sell any food, goods, wares, merchandise or other commodity upon any public right-of-way, street, street parking space, sidewalk, sidewalk area or parkway in the city without a street use license or other applicable permit under this code. Any person violating this provision shall be deemed guilty of maintaining a nuisance. (Ordinance 1133, secs. 1, 3 adopted 9/14/1951; 1959 Code, sec. 28-9; 1983 Code, sec. 24-9; Ordinance 8568, sec. 2, adopted 3/8/1984; Ordinance 2011-O0126, sec. 1, adopted 12/14/2011)

Sec. 40.03.2196 Vision clearance

(a) Front yards. In a required front yard, no wall, fence or other structure shall be erected in any part of the required front yard that would be higher than a line extending from a point two and one-half (2-1/2) feet above the natural ground level at the front lot line to a point four and one-half (4-1/2) feet above the natural ground level at the depth of the required front yard.

(b) Corner lots. It shall be unlawful to set out, construct, maintain, or permit or cause to be set out, constructed, or maintained any tree, shrub, plant, sign, or structure, or any other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by authority of the city council.

Intersection visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines (or that point of intersection of the property lines extended) and intersecting the curblines.

(c) Parkways. It shall be unlawful to set out, construct, maintain or permit to be maintained, set out or constructed any shrub or plant (excluding trees), sign or structure, or any other view

obstruction having a height of greater than three (3) feet, as measured from the top of the curb of the adjacent street, in the parkway area. All trees with a trunk diameter greater than two (2) inches measured three (3) feet above ground level that are within any of the parkway area shall be trimmed so that no foliage is less than six (6) feet above the top of the curb of the adjacent street. No evergreen or coniferous species of tree shall be allowed in the parkway.

This section shall not apply to traffic-control signs and signals, street signs, mailboxes which are less than two (2) feet long on each side which is perpendicular to the street, or utility poles placed within the parkway. No such tree, shrub or plant, sign or structure (including mailboxes) shall be allowed to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or to obscure the view of motor vehicle operators of any traffic-control device or street sign or otherwise create a traffic hazard.