

ORDINANCE NO. O-06-26

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 9, FOOD AND FOOD HANDLERS, OF THE CROCKETT CODE, DELETING ARTICLE III “MOBILE CATERERS, MOBILE FOOD PUSH CARTS, MOBILE FOOD HOT TRUCKS, MOBILE FOOD UNITS AND MOBILE FOOD VENDORS” IN ITS ENTIRETY, INCLUDING THE REQUIREMENT TO OBTAIN A PERMIT FROM THE CITY OF CROCKETT BEFORE OPERATING A MOBILE FOOD UNIT, AND REPLACING IT WITH A SUBSTITUTE ARTICLE III “MOBILE FOOD VENDORS” TO COMPLY WITH HOUSE BILL 2844, ALSO KNOWN AS THE “MOBILE FOOD VENDOR REGULATORY CONSISTENCY ACT,” PASSED BY THE 89TH TEXAS LEGISLATURE AND WHICH, EFFECTIVE JULY 1, 2026, PREEMPTS A LOCAL AUTHORITY’S POWER TO PROHIBIT THE OPERATION IN ITS JURISDICTION OF A MOBILE FOOD VENDOR WHO HOLDS A MOBILE FOOD VENDOR’S LICENSE ISSUED BY THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES AND COMPLIES WITH ALL OTHER STATE AND LOCAL LAWS, INCLUDING ALL FIRE CODES, LOCATION RESTRICTIONS, AND ZONING CODES; INCORPORATING REGULATIONS RELATING TO ADMINISTRATIVE AUTHORIZATIONS; ALLOWED LOCATIONS, PLACEMENT, DISTANCING, AND HOURS OF OPERATION; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

SECTION I:

Article III, Mobile Caterers, Mobile Food Push Carts, Mobile Food Hot Trucks, Mobile Food Units, and Mobile Food Vendors, of Chapter 9, Food and Food Handlers, of the Crockett Zoning Code, is hereby deleted and replaced with the following substituted Article III:

ARTICLE III, MOBILE FOOD VENDORS.

Sec. 9-50, Purpose.

The purpose of this article is to establish regulations governing food vending vehicles and mobile food vendors, operation sites, and the use of property or a tract of land for use as a food truck park. These regulations are intended to promote the health, safety, and welfare of the public, and to protect the property rights of the owners of land located adjacent to and within the vicinity of properties containing a working food vending vehicle.

Sec. 9-51, Definitions.

- (a) *Food vending vehicle*: Any vehicle that operates as a food service establishment and is designed to be readily movable.
- (b) *Mobile concession trailer*: A food vending vehicle pulled by a motorized unit and having no power to move on its own.

(c) *Mobile food vendor*: Any person who dispenses food or beverages from a food vending vehicle for immediate service or consumption.

(d) *Operation site*: The geographic area within which the food vending vehicle will park, prepare, and sell food and/or associated beverages and the areas provided specifically for the food vending vehicle's customers to consume the food and/or beverages sold from the food vending vehicle.

Sec. 9-52. State license required; exceptions.

A mobile food vendor operating within the city limits of the City of Crockett is responsible for obtaining any required mobile food vendor's license from the Texas Department of State Health Services with the only exceptions being those allowed by state law.

Sec. 9-53. Fire inspection required.

A mobile food vendor operating within the city limits of the City of Crockett must:

- (a) pass a fire inspection conducted by the City's fire department prior to operation within the City limits and once every 12 months to ensure that the vehicle complies with the International Fire Code; or
- (b) provide proof that the vehicle has passed a fire inspection within the state of Texas within the preceding 12 months of operation that was conducted by an entity authorized by the International Fire Code or National Fire Protection Association (NFPA) guidelines.

Sec. 9-54. Mobile Food Vendor Administrative Authorization Required

With the exception of a mobile food vendor operating only during a special event, no mobile food vendor shall operate within the city limits of the City of Crockett without first obtaining an administrative authorization from the Code Enforcement Officer confirming compliance with zoning, site, parking, sanitation, and operational standards. The administrative authorization is not a license or permit to vend food or alcohol and does not regulate food preparation, food safety, or state licensed activities. The administrative authorization will be effective for a 12-month period and must be renewed on an annual basis for continued routine operation within the city limits.

(a) Confirmation of Operational Standards.

The confirmation of operational standards includes but is not limited to the following and such confirmation may reoccur throughout the administrative authorization's 12-month period:

- (1) confirming that the mobile food vendor has obtained and is displaying a current mobile food vendor's license issued by the Texas Department of State Health Services;

- (2) confirming that the vehicle has passed a fire inspection as required by this article within the preceding 12 months; and
 - (3) confirmation that the vehicle is utilizing and maintaining a proper grease trap system that prevents grease from entering the city's sewer lines. The grease trap system may include an agreement and dumping schedule with a local restaurant to use the restaurant's grease trap.
- (b) Record of Mobile Food Vendor Administrative Authorizations.

The Code Enforcement Officer or designee shall maintain a record of all Mobile Food Vendors authorized under this section for a period of two (2) years following the expiration of each authorization and provide updated copies to the City of Crockett Police Department and Fire Department. The record shall include, at a minimum:

- (1) name and contact information of the owner and, if different, the site operator;
- (2) the approved operating location or locations;
- (3) the authorization issuance date and expiration date; and
- (4) sufficient identifying information for the mobile food vending unit, including make, model, color, license plate number, and any assigned permit or identification number.

Sec. 9-55. Location, Placement, Distancing and Hours of Operation Restrictions.

- (a) A food vending vehicle may not operate on a public street or right-of-way unless:
- (1) The food vending vehicle does not obstruct pedestrian or vehicular traffic, is equal to or less than 20 feet in length, is not a mobile concession trailer, is in constant motion except when serving customers, and operates between the hours of 8:00 am and sunset (e.g., ice cream truck); or
 - (2) The food vending vehicle has reserved an area to operate during a City-sponsored event or obtained a special event permit or similar written permission from the City Administrator or designee or the Crockett Area Chamber of Commerce.
- (b) Only a food vending vehicle that is allowed to operate on a public street or right-of-way as allowed by paragraph (a) may operate within a residential zoning district.
- (c) No food vending vehicle shall be permitted to engage in sales operations within 100 feet of a residential zoning district.
- (d) A food vending vehicle may not be set up in fire lanes, driveways, parking spaces, or loading areas that are required for the use of an existing business except for parking spaces that have been closed to the public for a special event.

- (e) All portions of a food vending vehicle and its associated operation site shall be located within 150 feet, as determined by the fire marshal or designee, of a dedicated fire lane easement or a public street.
- (f) A food vending vehicle shall be separated from existing buildings and other food vending vehicles by a minimum of ten feet and separated from any building entrances or exits by 20 feet.
- (g) No food vending vehicle shall be permitted within 100 feet of any door, window or outdoor dining area of any existing restaurant(s) or food service establishment(s), with the exception of a food vending vehicle that has the express written permission of the owner or authorized representative of the restaurant or food service establishment or that is operating in accordance with paragraph (a).
- (h) No food vending vehicle may operate between the hours of midnight and 6 a.m.

Sec. 9-56. Refuse, litter and food preparation byproducts.

- (a) Mobile food vendors shall provide containers of sufficient size and number for the disposal of refuse resulting from operation and sales.
- (b) Mobile food vendors shall promptly pick up and appropriately discard any refuse, recycling and/or litter on the ground at the operation site.
- (c) Greases, oils, vapors and other similar food preparation byproducts shall always be kept inside the food vending vehicle. Dumping or the improper disposal of food preparation byproducts onto the ground, pavement or other surface or into a stormwater collection system or other system not designed for that specific use is strictly prohibited.

Sec. 9-57. Signage.

- (a) Each food vending vehicle shall be clearly marked with the food establishment's name or a distinctive identifying symbol and shall display the name while in service within the city. All other signage on the food vending vehicle shall be mounted flush to the surface of the unit.
- (b) Each food vending vehicle shall be permitted two freestanding signs:
 - (1) Two sandwich board signs not to exceed four feet in height and eight square feet; or
 - (2) One sandwich board sign not to exceed four feet in height and eight square feet and one feather flag not to exceed eight feet in height.
- (c) Freestanding signs shall be for use on site and only during business operational hours.

(d) Signage containing profanity or lewd or obscene images is prohibited.

Sec. 9-58. Noise.

(a) Food truck parks and operation sites shall be subject to existing noise ordinances.

(b) No amplified sound shall be permitted after 10:00 p.m.

Sec. 9-59. Off-street vehicle parking.

A minimum of two off-street parking spaces are required for each food vending vehicle at an operation site. One additional off-street vehicle parking space shall be required for each table that is provided for use by food vending vehicle customers. Parking that is provided for food truck customers may not be used to satisfy the minimum parking requirements of another land use. Any customer parking that is provided must be finished with concrete or asphaltic surface materials.

SECTION II: Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION III: Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION IV: Effective Date.

A descriptive caption of this Ordinance shall be published two (2) times in the official newspaper of the City of Crockett, within fourteen (14) days after the date of passage thereof, and said Ordinance shall become effective _____, 2026.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Crockett, Texas, on the _____ day of _____, 2026.

CITY OF CROCKETT

BY: _____
DR. IANTHIA FISHER, MAYOR

ATTEST:

MITZI STEFKA, CITY SECRETARY

DONNA GORDON, CITY ATTORNEY