

Ordinance No. 2018-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDEN, TEXAS ADOPTING REGULATIONS FOR FOOD TRUCKS; PROVIDING DEFINITIONS; ESTABLISHING LICENSE REQUIREMENTS; ESTABLISHING LOCATION RESTRICTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Eden City Council desires to provide its residents and visitors with a variety of dining options by allowing food trucks to operate in Eden; and

WHEREAS, the Eden City Council desires to establish regulations that will allow food trucks to operate within the city limits of Eden in an orderly, safe and healthful manner; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDEN, TEXAS:

Sec. 1. - Definitions.

- (a) Food Truck- a self-propelled vehicle or trailer that is readily mobile with no permanent fixed location, the vendor of which prepares all or most of its food on board the vehicle to serve or distribute to customers in a form suitable for immediate ingestion or consumption.
- (b) Food Truck Park- an area on private property designated to accommodate two or more food trucks.

Sec. 2. - License.

- (a) Every food truck that conducts business within the Eden city limits shall obtain an annual license. (Exception made only for vendors attending singular annual events such as Chamber of Commerce or Saddle Club sponsored events with set times/dates/locations as acknowledged by the City)
- (b) An application for a license as required under this ordinance shall be filed with the City Office and shall contain such information as the city may require. A license fee, as established by the city council, herein, shall accompany every application submitted.
- (c) Licenses for food trucks shall be valid for one year after the date of issuance.
- (d) The license shall be displayed on the food truck at all times in a conspicuous place where it can be readily viewed by the general public.
- (e) Annual License Fee \$200.00

Sec. 3. - Zoning and location restrictions.

- (a) Food trucks conducting business on private property shall not:
 - i. Be parked on any property zoned for or occupied by a single-family or two-family residence (a duplex).
 - ii. Be parked on a property without the permission of the property owner. Food trucks must comply if asked to leave by the property owner.
- (b) Food trucks conducting business from public streets shall not:
 - i. Be parked on any public street designated as a no parking zone.
 - ii. Be parked on a public street fronting any property zoned for or occupied by a one-family or two-family residence.

- (c) No more than one food truck is allowed to operate on any lot at any given time unless located within an approved Food Truck Park.
- (d) Food trucks shall not be parked overnight in any area of the city zoned for or occupied by a one-family or two-family residence.

Section 4. -Duration of stay.

- (a) Food trucks operating on private property shall not be parked on the property for a duration exceeding ten hours per location per day.
- (b) Food trucks operating from public streets shall not be parked in one location for a duration exceeding ten hours per location per day.
- (c) No food truck shall operate between the hours of 1:00 a.m. and 6:00 a.m.

Section 5. -Other requirements.

- (a) The food choices for Food Trucks shall be limited to those that can be served or prepared in compliance with the Texas Food Establishment Rules.
- (b) Food trucks shall not serve alcoholic beverages.
- (c) Each Food Truck shall be equipped with a portable trash receptacle placed near the unit, and shall be responsible for proper disposal of solid waste. All disturbed areas must be cleaned following each stop to a minimum of 25 feet from the sales location. Liquid spills near the unit shall be properly cleaned following each stop.
- (d) The company name shall be displayed on at least two sides of the food truck.

Sec 6. -Texas Food Establishment Rules.

Food trucks must comply with all regulations that pertain to Mobile Food Units as set forth in the Department of State Health Services' Texas Food Establishment Rules.

Sec 7. –Severability Clause.

If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance or the Unified Development Code will continue in force if they can be given effect without the invalid portion.

All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

PASSED AND APPROVED AND ADOPTED this ____th day of _____, 2018.

Attest:

Agapito Torres, Mayor

Celina Hemmeter, City Secretary