

## **ARTICLE 4.08 MOBILE FOOD COURTS**

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### **4.08.001 Definition**

Mobile food service establishment: An enclosed trailer or motor vehicle designed and operated for the sale of food and/or beverages, and which stays at one location for more than four (4) consecutive days. For the purpose of this article, two or more such establishments located on a single lot or parcel shall be known as a mobile food court. (Ordinance 17.12.11 adopted 12/11/17)

### **4.08.002 Mobile Food Court**

1. No mobile food vendor/vehicle shall operate within a mobile food court that does not possess a valid permit.
2. All mobile food vendor requirements apply (see mobile food vendor article).

(Ordinance 17.12.11 adopted 12/11/17; Ordinance 18.06.11C adopted 6/11/18)

### **4.08.003 Location Standards**

1. A mobile food court must meet all applicable zoning requirements applicable to the zoning district in which it is located and as required by this article.
2. Mobile food establishments shall operate only in zoning districts where eating establishments are allowed in the current city zoning ordinance.
3. All activity must occur on private property outside of the public right-of-way.
4. Vehicular drive-through service of food and/or beverages shall not be permitted.
5. Permitted mobile food vendors/vehicles located within the court shall be exempt from having to remove the vehicle from the site during nonoperating hours so long as such operation is in compliance with its use permit.
6. Mobile food courts shall not be located within three hundred feet (300) of a building with a restaurant possessing a certificate of occupancy.
7. Mobile food courts must comply with the setback minimum of the zoning district which the site is located, unless a more restrictive setback is required by the city to mitigate any negative impacts to adjacent businesses, residents, or safety, health or welfare of the general public.
8. No mobile food establishment or vending unit, structures associated with the mobile food court use, nor any seating areas shall be located in a required zoning setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or firelane.

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9. Mobile food establishment spaces shall be set back at least twenty-five feet from the front and fifteen feet from the rear lot lines, and set back from the side lot lines as specified for the zoning district where located.

(Ordinance 17.12.11 adopted 12/11/17; Ordinance 18.06.11C adopted 6/11/18)

#### **4.08.004 Development Standards**

1. Mobile food courts shall be allowed to engage in business only between the hours of 6:00 a.m. and 9:00 p.m. unless otherwise approved in writing by the city administrator or his/her designee.
2. The Texas Food Establishment Rules (TFER), section 229.167(d)(10) states a private home used as living or sleeping quarters may not be used for conducting food establishment operations.
3. Mobile food courts shall require an all weather surface as defined in \_\_\_\_\_ (Add to definition list as follows: All weather surface (parking and vehicular access). Vehicular "all weather surfaces" shall constitute: poured concrete on prepared subgrade; hot laid asphalt on a prepared base course; single, double, or triple asphalt surface treatment (consisting of applications of asphaltic material, each covered with aggregate) on a prepared base course. Brick/concrete block/tile/flagstone set in mortar or on a prepared base course. The Building Official shall determine if other materials may fit within this category of surface; however, in no case shall a material be considered a "all weather surface" if such surfaces generates or produces any dust or particulate matter that could be airborne to adjacent properties such as occurs with compacted base materials.
4. Mobile food courts must provide a paved parking area (in accordance to current building code), at a ratio of two (2) parking spaces per individual vendor/vehicle.
5. Mobile food courts must provide outside seating consisting of a table and a seating capacity of four (4), per mobile food vendor/vehicle unit.
6. Electrical service may be provided by a permitted temporary electrical connection (or other permitted connection provided by an electric utility) or on-board generators.
7. All vendors/vehicles selling food or beverages must provide at least one (1) appropriately sized trash receptacle adjacent to or as a part of their stand/operation.
8. Mobile food courts shall have access to a common dumpster and to a common grease disposal container, approved by the city. Common trash and grease disposal containers shall be enclosed within an area screened from view in accordance with city ordinances.
9. Water service may be provided by a permitted temporary water connection or on-board potable water source.
10. Mobile food establishments shall not be connected directly to the city wastewater system unless a grease trap is installed.
11. Mobile food vendors/vehicles shall demonstrate that the vehicle or unit is readily moveable if required by the city. Any alteration, removal, attachment, placement or change in, under or upon the mobile food vehicle or unit that would prevent or otherwise reduce ready mobility is prohibited.

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**Deleted:** <#>Restrooms must be provided within the mobile food court area. A minimum of at least one (1) restroom shall be provided within one hundred (100) feet from each vendor/vehicle. This requirement can be met through one (1) of the following methods:\*

Permanent ADA bathroom as required by the International Building Code.\*  
Bathroom facilities within a building(s) directly abutting the premises authorized by written consent of the building owner/tenant.\*  
Bathroom facility trailer, or mobile trailer with bathrooms and self-contained water and wastewater facilities within it, maintained by a licensed company. Facility shall not be located fronting the property, but to the rear of mobile food vendors and if necessary screened from the public right-of-way.\*

**Deleted:** Each mobile food establishment shall obtain electricity from, and be within 50 feet of an individual main-disconnect breaker or central bank of multiple-disconnect breakers, as approved by the city.\*

**Deleted:** <#>Each mobile food establishment shall obtain water from, and be within 50 feet of a hose bib connected directly to the city water supply.\*

**Deleted:** <#>All mobile food vendors/vehicles situated on the property shall be located on a paved surface as required by city parking requirements.\*

3. All cooking appliances in the mobile unit shall be of an approved type, commercial grade, listed and labeled, for the use intended. Appliances shall be installed in accordance with the manufacture's instruction. Portable cap stoves or the equivalent shall be prohibited. All cooking appliances shall have an approved, labeled and listed on-off valve.
4. 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 applicable city ordinances and adopted codes and protected from physical damage. Mounting and placement of containers shall comply with all applicable city ordinances, adopted codes 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.
5. 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.
6. Each enclosed vehicle must have two outward opening fire exits. Each exit must be properly label "emergency exit." Exits may not be blocked.
7. The fire marshal's office is herein authorized to conduct all inspections as necessary to determine the extent of compliance at any time.
15. Residing and/or dwelling within a mobile food unit overnight is strictly prohibited.
16. Failure to comply with these standards may result in revocation of vendor permit. If vendor permit is revoked, the vendor must wait 6 months before they can reapply.

(Ordinance 18.06.11B adopted 6/11/18)

#### **4.09.008 Commissary Location**

1. Any mobile unit stored on a commercial lot within the city limits shall be entirely enclosed within a building, or hidden from view behind the primary structure, or approved opaque screening.
2. Any mobile unit stored in a residential area within the city limits shall be stored entirely enclosed within a building or hidden from public view. All city residential parking requirements apply.

(Ordinance 18.06.11B adopted 6/11/18)

#### **4.09.009 City-Sponsored Events**

1. Any mobile unit/food vendor participating in a city-sponsored event shall be considered an exempt mobile food vendor as described herein and comply with all regulation established by the Texas Food Establishment Rules and city code. Texas Food Establishment licenses (if required) and food handlers license from the state

must be submitted to the events director along with the vendor application for each event.

2. The mobile food unit fee will be waived, however all applicable event fees will remain in effect.
3. Inspections by the fire marshal's office may be waived, however on-site inspections may be required.

(Ordinance 18.06.11B adopted 6/11/18)

#### **4.09.010 Variances**

If special circumstances prevent a mobile food vendor from complying with or make it too burdensome to comply with all the requirements of this article, an application for a variance may be submitted to the city council as follows:

1. The applicant must identify which specific requirements cannot be or are too burdensome to be met, and why they cannot be or are too burdensome to be met.
2. The applicant must provide payment of the fee established by the city at the time the application is submitted.
3. The city council shall conduct a public hearing concerning the application within 45 days of receipt of the application. City staff must notify property owners within 200' of the location where the mobile food vendor seeking the variance is proposing to operate at least 10 days prior to the date of the public hearing at which the application will be considered.
4. The city council shall consider the application and may approve or deny the variance as presented or may stipulate conditions and restrictions before approving it.
5. Unless the city council provides otherwise, the variance shall be effective for as long as the mobile food vendor continues to do business, at least once a month, at the location identified in the variance application.
6. The variance is not transferable.
7. The city council reserves the right, upon receipt of a written complaint against the mobile food vendor operating under the variance and after providing the applicant with thirty (30) days prior notice, to reconsider the matter and stipulate additional conditions and restrictions or revoke the variance.
8. No application for a variance which has been denied wholly or in part by the city council shall be resubmitted for a period of 90 days from the date of the denial.

12. ~~At least two (2) and no more than five (5) individual mobile food establishments are permitted per mobile food court.~~ Additional mobile food vendor/vehicle units may be authorized by the city council with a specific use permit.
13. Building official/fire marshal shall make the appropriate inspections of the location, equipment, vehicles/units and other reasonable inspections concerned with the mobile food court operation to assure compliance with the applicable adopted codes, ordinances, requirements of all state and federal statutes.
14. A minimum ~~twenty (20)~~ foot wide apparatus access route shall be provided around the periphery of any mobile food vendor/vehicle.
15. One (1) permanent detached sign permitted in compliance with the current sign ordinance shall be allowed for the mobile food court. Individual vendors/vehicles shall be limited to one (1) sign attached to trailer or truck. Signs on mobile food establishments shall be mounted flat on the exterior, and not exceed 20 percent of the wall area to which they are affixed. No detached or temporary signs are authorized.
16. Residing and/or dwelling within a vendor/vehicle unit(s) overnight is prohibited.
17. The sale, distribution or consumption of alcoholic beverages is prohibited within mobile food courts.
18. Mobile food courts must provide current and complete contact information including but not limited to: address, phone number, and any other information reasonably required by the city administrator or his/her designee for a designated on-call person to be a principal point of contact for city staff and the individual vendors/vehicles.
19. Failure to comply with these standards may result in termination or suspension of the certificate of occupancy.

**Deleted:** Vehicular drive-through service of food and/or beverage shall not be permitted.\*

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**Deleted:** three individual mobile food vendor/vehicle units are permitted per mobile food court site.

**Deleted:** <#>No mobile food vendor/vehicle unit, structures associated with the mobile food court use, not any seating areas shall be located in a required setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane unless written authorizations is provided by the city administrator or his/her designee.\*

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(Ordinance 17.12.11 adopted 12/11/17; Ordinance 18.06.11C adopted 6/11/18)

#### **4.08.005 Site Plan**

A site plan drawn to a conventional scale must be submitted to the planning department showing the location and surface type of the proposed mobile food establishment locations, location of customer table-seating and any associated shelter structures, location of water hose bibs and electrical service connections, location and surface type of parking spaces and driveways, location and surface type of pedestrian access, location and description of outdoor lighting, location of restrooms(s), location of individual trash receptacles and common trash/grease disposal facilities, and type and height of common trash/grease disposal screening. (Ordinance 17.12.11 adopted 12/11/17)

#### **4.08.006 Performance Standards**

Mobile food vendor vehicle/structures design and maintenance guidelines:

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1. All structures (vehicles) shall be free from defects including but not limited to peeling paint, rust, exposed metal or wood.
2. Tires must be fully inflated at all times.

3. No outside sound amplifying equipment, or noisemakers, such as bells, horns, or whistles shall be permitted.

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4. Lighting shall comply with Article 3.12

5. All signage shall comply with Article 3.10.

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(Ordinance 17.12.11 adopted 12/11/17)

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