



**MEMORANDUM**

**TO:** Mayor and Members of the City Council

**FROM:** Mike Peacock,

**DATE:** September 5, 2023

**SUBJECT:** **Food Truck Ordinance Article 5 Section 5.7**

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Staff has been asked to provide information and recommendations to the council regarding Food Trucks operating within the City Limits. At issue, is regulations currently in effect in the Zoning Ordinance **Article 5 “Permitted Uses” Section 5.7 Food Trucks**

**A (2) -** Food Trucks shall be located on an individual private parcel, where an existing permanent business operates in a building with a Certificate of Occupancy.

**A (5) –** Food Trucks shall be located within five hundred (500) feet of an entrance of a primary building that holds the Certificate of Occupancy.

**A (6) –** No Food Truck shall be located on a vacant lot.

**A (11) –** Food Trucks shall be removed from the parcel on a daily basis and may only operate during the business hours of the primary business and may not be parked longer than twelve (12) hours.

Additionally, a Food Truck must comply all the requirements of Section 228.221 of the Texas Food Establishment Regulations. Listed as one of the requirements, Subchapter H “Requirements Applicable to Certain Establishments” Section 228.221 “Mobile Food Units” (11) “Toilet Rooms, Convenience and Accessibility”. Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

By removing the requirement of Food Trucks operating only on property with an existing business with a Certificate of Occupancy, and allowing on a vacant lot, the state requirements of a restroom would remain a requirement. Even if the 500’ rule were agreed to meet the “conveniently located” standard in Subchapter H, it is unclear if we would be increasing the ability to offer more opportunities for Food Trucks, with less restrictive ordinance regulations.

Additionally, with less restrictive location requirements, we could be allowing some unwanted concerns from local businesses, who have invested money in creating dine in establishments, increased staff time

for inspections, enforcing time restraints to avoid permanent placement, trash collection, parking regulations, fire lanes, and traffic concerns just to mention a few.

Staff has reviewed regulations from surrounding cities, as well as one provided to staff from San Angelo, all have the Section 228.221 requirement. Time frames range from 6 hours to 36 hours before removal from the property and only during permitted special events in the city.

**Staff Recommendation:**

No recommendation.

Staff will prepare ordinance amendments as directed by council and present to council for action in October 2023 or as directed.