

ARTICLE 4.04 FOOD TRUCKS¹

§ 4.04.001. Definitions.

Edible goods. A type of goods sold for human consumption that includes, but is not limited to:

- (1) Prepackaged food, including, but not limited to candy, beverages, chips, popsicles and ice cream; and/or
- (2) Prepared food, including, but not limited to shaved ice, sandwiches, pizza, barbecue, tacos, and desserts.

Food truck vendor. An individual or entity that sells edible goods for human consumption from a food truck.

Food truck. A truck, cart, trailer or kitchen mounted on a chassis and that is capable of being moved with a motorized or nonmotorized unit, including without limitation, a self-contained motorized unit that sells edible goods.

Sell. The act of exchanging a good for a profit or in return for a donation.
(Ordinance 877-2023 adopted 12/21/2023)

§ 4.04.002. Adoption of texas food establishment rules.

The city hereby adopts by reference the provisions of the current rules, or rules as may be amended from time-to-time, by the Executive Commissioner of the State Health and Human Services Commission, found in 25 Texas Administrative Code, section 228.221, as amended, regarding the regulation of food trucks.

(Ordinance 877-2023 adopted 12/21/2023)

§ 4.04.003. Permit and application.

- (a) Permit. A food truck vendor shall have a valid food truck permit ("permit") that has been issued by the city in order to sell edible goods within the city.
- (b) Application. A food truck vendor must apply for a permit on a form promulgated by the city. A food truck vendor must apply separately for each food truck it intends to operate within the city. Once the city manager or his or her designee ("city manager") determines that the permit application is complete, the city manager must review the application and notify the applicant if the permit application meets the requirements of this article within 10 business days.
- (c) Permit form. A permit application must include the following information to be complete:
 - (1) Payment of the permit fee.
 - (2) Name of applicant, address and telephone number or other contact information.

1. Editor's Note—Former Article 4.04 Pertaining To Junk And Secondhand Dealers And Deriving From Ordinance 105-77 Adopted 7/9/77, Was Repealed And Deleted In Its Entirety By Ordinance 578-2013 Adopted 8/15/13.

- (3) Sales tax number with a copy of sales tax permit.
- (4) If applicable, a signed permission or notarized affidavit from the private property owner granting permission for the application to locate a mobile food unit(s) on his or her property.
- (5) Name, phone number and driver's license number of business owner and any employee managing the mobile food unit.
- (6) Description of edible goods to be sold.
- (d) Permit application process. The permit application shall be processed as follows:
 - (1) The permit application shall be submitted to the city.
 - (2) The permit application shall be reviewed by the city manager to determine whether the application is complete and eligible for review. The city manager shall review a complete permit application to determine whether it meets the requirements of this section.
 - (3) The city manager shall approve a permit application that meets the mobile food vendor requirements set forth in this section.
 - (4) The city manager shall deny a permit application that does not meet the mobile food vendor requirements set forth in this section.

(Ordinance 877-2023 adopted 12/21/2023)

§ 4.04.004. Permit fee.

- (a) The fee for a permit shall be twenty-five-dollars (\$25.00). A food truck vendor must obtain a separate permit for each food truck it operates within the city.
- (b) A permit shall be valid for no longer than seventy-two (72) hours.

(Ordinance 877-2023 adopted 12/21/2023)

§ 4.04.005. Food truck requirements.

The following regulations shall apply to a permit holder operating a food truck within the city:

- (1) Location.
 - (A) All food trucks must be located on a parcel which is appropriately zoned for commercial development.
 - (B) Any food truck shall be located on a parcel where an existing permanent business operates in a building which possesses a valid certificate of occupancy.
 - (C) Food truck vendors shall provide the city with a copy of written permission from the property owner to allow the operation of a food truck and to allow the food truck and their customers access to a commercially plumbed public restroom on-site.
 - (D) A food truck vendor shall submit a site plan depicting the location of the food truck

on the property; and shall secure a current food handler card(s) from Johnson or Tarrant County, providing copies of these documents to the city.

- (E) Food trucks shall be located within five hundred feet (500') of an entrance of a primary building that holds the certificate of occupancy.
 - (F) No food trucks, their merchandise, advertising, or seating shall obscure traffic sight visibility.
 - (G) No food trucks operating under this article shall be allowed to sell or service food on any public street, sidewalk, or other public right-of-way unless approved in writing by the city.
 - (H) Food trucks shall not operate in driveways or fire lanes.
 - (I) Food trucks, including any applicable seating may operate in parking spaces in a commercially zoned individual property, parcel, tract or platted lot, if the required parking for the center remains in compliance with the city's parking regulations. A site plan indicating the specific location is required.
 - (J) Food trucks shall not remain on any parcel for more than seventy-two (72) hours in any seven-day period.
- (2) Licensing. All food trucks shall have a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, a state sales tax permit and meet all other state law licensing requirements.
- (3) Operational issues.
- (A) A drive-through is not permitted in conjunction with the food truck and shall not provide a drive-through service of any kind.
 - (B) Food trucks shall be equipped with a self-closing lidded, trash receptacle. The trash receptacle must be placed outside next to the food truck for use by the patrons of the truck. The area around the food truck shall be kept clean and free from litter, garbage, and debris.
 - (C) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the electrical code as adopted by the city.
 - (D) Except as otherwise limited by the city's code, or other city codes, a food truck may utilize outside seating consisting of a portable table and a seating capacity of not to exceed four (4).

(Ordinance 877-2023 adopted 12/21/2023)

§ 4.04.006. Offenses.

- (a) It shall be unlawful for a food truck vendor directly or through an agent or employee to sell edible goods from a food truck within the corporate limits of the city unless it holds a valid permit.

- (b) It shall be unlawful for a food truck vendor directly or through an agent or employee to misrepresent on the permit application any acts that are regulated under this article.
- (c) It shall be unlawful for a food truck vendor directly or through an agent or employee to allow a food truck to operate that does not comply with the Texas food Establishment Rules, as amended.

(Ordinance 877-2023 adopted 12/21/2023)

§ 4.04.007. Penalty.

The violation of or noncompliance with this article by any person, firm, association of persons, company, corporation, or their agents, servants, or employees shall be punishable as a misdemeanor and upon conviction, such person, firm, association, company, corporation or their agents servants or employees shall be fined a sum not less than one dollar (\$1.00) but shall not exceed two thousand dollars (\$2,000.00), and each day any violation or noncompliance continues shall constitute a separate and distinct offense.

(Ordinance 877-2023 adopted 12/21/2023)