

ORDINANCE NO. 579

AN ORDINANCE OF THE CITY OF LOS FRESNOS, TEXAS, AMENDING CHAPTER 10, ARTICLE VIII OF THE CODE OF ORDINANCES REGARDING MOBILE FOOD VENDOR COURTS/PARKS; PROVIDING DEFINITIONS, DEVELOPMENT AND SITE REQUIREMENTS, AND REGULATORY LIMITATIONS CONSISTENT WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by _____ and carried by the following voted:

Mayor Alejandro Flores	___ For ___ Against ___ Abstained
Mayor Pro-tem Alberto Escobedo	___ For ___ Against ___ Abstained
Councilmember Andrew Gonzales	___ For ___ Against ___ Abstained
Councilmember Juan Munoz	___ For ___ Against ___ Abstained
Councilmember Luis Gonzalez	___ For ___ Against ___ Abstained
Councilmember Leonel Casanova Jr.	___ For ___ Against ___ Abstained

WHEREAS, the City Council of the City of Los Fresnos previously adopted regulations governing mobile food vendor courts/parks under Chapter 10, Article VIII; and

WHEREAS, the State of Texas has enacted laws, including Chapter 437 and Chapter 437B of the Texas Health and Safety Code, governing mobile food vendors; and

WHEREAS, the City Council desires to amend its ordinances to ensure consistency with state law and to avoid duplicative or conflicting permitting and licensing requirements; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety, and welfare to establish clear standards governing the development and operation of mobile food vendor courts/parks;

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

SECTION 1. AMENDMENT

Chapter 10, Article VIII of the Code of Ordinances, City of Los Fresnos, Texas, is hereby amended to read as follows:

Sec. 10-232. Requirements for mobile food vendor courts/parks.

(a) *Site requirements.*

(1) ~~Cost of mobile food vendor court/park permit (if approved): see fee schedule.~~

- (2) All plans for site work, installation, construction, utility connections, signs and operation must be approved by all pertinent departments, including but not limited to health, fire, public works, traffic, building inspections, and zoning. All other department fees apply. Such approvals are limited to zoning, site development, infrastructure, fire, building and related code compliance and shall not impose duplicative licensing or permitting requirements on mobile food vendors regulated by the State of Texas.
- (3) The following site requirements must be met in order to issue a permit:
 - m. This permit applies solely to the development and operation of the mobile food vendor court or park and shall not be construed as a permit or license required of individual mobile food vendors.
 - n. Fees associated with the review and approval of applications for the construction and development of a mobile food vendor court or park shall be assessed in accordance with the City's adopted building permit fee schedule. Such fees shall include plan review, site development review, and inspections required to ensure compliance with applicable building, zoning, fire, and infrastructure codes. These fees apply solely to the development of the site.

Sec. 10-234. Mobile food vendors located in food courts/parks.

- (a) Applicability
 - a. The provisions of this section apply only to mobile food vendors operating within an approved mobile food vendor court or park and shall not be construed to regulate mobile food vendors operating elsewhere within the city.
- (b) Requirements within courts/parks
 - a. Mobile food vendors operating within a permitted mobile food vendor court or park shall comply with all rules adopted by the park operator and all applicable site requirements established under this Article.
 - b. Mobile food vendors shall comply with all applicable state licensing requirements under Chapter 437 and Chapter 437B of the Texas Health and Safety Code.
 - c. The city shall not require a mobile food vendor operating within an approved mobile food vendor court or park to obtain a local permit or pay a fee that conflicts with state law.
 - d. City inspections, if conducted, shall be limited to site compliance, fire safety, building codes and other applicable municipal regulations and shall not constitute duplicative health inspections except as authorized under state law or through a collaborative agreement with Texas Department of State Health Services.
- (c) Health and sanitation requirements

Mobile food vendors operating within a mobile food vendor court or park shall comply with all applicable state food laws and regulations, including the Texas Food Establishment Rules.

Local health inspection authority shall be exercised only as authorized by or in coordination with the Texas Department of State Health Services.
- (d) Limitation of regulation

Nothing in this section shall be construed to regulate or restrict mobile food vendors outside of mobile food vendor courts or parks. Such regulation shall be governed by separate ordinance.

~~(a) Requirements.~~

- ~~(1) No vending will be allowed from a vacant lot.~~
- ~~(2) All mobile vendors operate with equipment and/or displays that can be entirely removed from the site at the end of each day of operation.~~
- ~~(3) All mobile vendors shall have permission from the owner of record of the property on which the use is to be located where an already established legally conforming business use exists to allow the vendor to share the parking and restroom facilities provided and maintained by the main business use on the lot.~~
- ~~(4) All mobile vendors shall fill out completely a mobile vendor's permit and pay a fee as established in the fee schedule.~~
- ~~(5) The building department (and other departments as necessary) shall inspect the site for compliance to normal regulations such as health requirements for a food vendor, parking requirements for the total site.~~
- ~~(6) Once issued, the maximum length of time allotted by a mobile vendor's permit shall be no more than six months from the issuance date.~~
- ~~(7) A mobile vendor's permit may be renewed any number of times by following the specifications set forth in this section as long as the property owner is willing to continue to allow the use of bathroom and parking facilities and both businesses continue to be in compliance with all applicable ordinances.~~

~~(b) Health and sanitation requirements for mobile food vendors in mobile food court/parks.~~

- ~~(1) All mobile food vendors shall be designed to meet all applicable city health department requirements and obtain a permit. Health permit fees are separate from the licensing fee.~~
- ~~(2) For mobile food vendor requirements, refer to the Texas Food Establishment Regulation § 228.169(a).~~
- (3) Manufactured food trucks and trailers will be the only allowable type of mobile food vending unit allowed within food truck parks.
- ~~(4) No roaming food trucks or trailers will be allowed within city limits.~~

SECTION 2. SEVERABILITY

If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions.

SECTION 3. CONFLICTS

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law.

INTRODUCED AND APPROVED on the first reading this _____ day of _____, 2026.

APPROVED AND PASSED on the second reading this _____ day of _____, 2026.

Mayor, Alejandro Flores

ATTEST:

City Secretary, Jacqueline Moya