Mobile Food Units Regulation Update Summary

October 12, 2021

The following changes are included in the proposed draft ordinance. They are presented for further discussion by City Council and direction to City staff.

- DEFINITIONS:
  - Add/modify "Mobile Food Unit": *a vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve or sell food. In this article the term is synonymous with the term "mobile food vendor.*

  - Add "Food Establishment" *has the same meaning as assigned to that term by Chapter 228 of the Texas Administrative Code.*

  - Add "Food Truck Park" *means a site or property configured and developed for the purpose of allowing one or more mobile food unit to remain stationary and operating for business. Food truck parks in the City require a Special Use Permit and are subject to all development regulations for food establishments in the City.*

  - Remove "Roadside Food Vendor" (state code referenced does not define the term).

- SPECIAL REQUIREMENTS FOR MOBILE FOOD VENDORS:

  - Remittance of all applicable taxes (e.g., sales tax) for in-City business activity;

  - Replace "50-feet from any street corner or crosswalk" requirement with: [*The placement of the mobile food unit shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.*];

  - Changed hours of operation: Mobile food units not operating as part of a City-approved street festival are restricted to the following times of operation are based on the electrical power source used by the vendor:

    - WITHOUT ELECTRIC GENERATOR (plugged into a constant power source / shore power) – 6:00 a.m. and 9:00 p.m. unless operating under a street festival permit in accordance with Sec. 64-6; and

- WITH ELECTRIC GENERATOR (either on-board or externally-mounted with internal combustion engine) – 9:00 a.m. and 9:00 p.m. unless operating under a street festival permit in accordance with Sec. 64-6. Electric generators must comply with permissible sound levels in accordance with Chapter 34 of the City Code;

o <mark>Mobile food units operating within the City limits shall not remain on the same site or property, whether in operation or not, for longer than two consecutive calendar days.</mark> (Includes festival exception) A mobile food unit not in compliance with this requirement is considered a food establishment (i.e., a restaurant) and must comply with all City and County requirements for food establishments as well as all City development regulations [including parking, drainage, lighting, utilities, landscape and tree preservation requirements, Historic District compliance if applicable, etc.]. (Continue discussion with city attorney on this; SUP comes into use to address "Food Truck Park").

o A garbage container located on the outside of or adjacent to the mobile unit is required. The garbage container shall be of sufficient size to contain waste generated from patrons and shall be readily accessible. Trash and waste generated from operations inside the mobile food unit is not allowed to be stored outside of the mobile food unit unless in a City-approved waste collection bin in accordance with Chapter 70 of the City Code of Ordinances.

Mobile Food Units – Follow Up Questions for City Council

- Mobile vendors allowed to operate in the Historic Preservation District?
  - o DMc: Encouraging foot-traffic generating, street life-oriented businesses in the Historic Downtown supports the City's goal of increasing business and social activity in the downtown. It seems like we would encourage this.

- Should we require public restrooms for mobile food vendors?
  - o DMc: Suggest we follow the County rule that bathrooms are for employees and must be located within 300-feet. No additional conditions or requirements beyond proof of bathroom accessibility for use by mobile food unit employees at all hours of operation (letter or map showing compliance at application).