

ORDINANCE NO. 26-103

AN ORDINANCE OF THE CITY OF SWEENY, TEXAS, AMENDING CHAPTER 115 OF THE CODE OF ORDINANCES OF THE CITY OF SWEENY ENTITLED MOBILE FOOD ESTABLISHMENTS; REPEALING 115.01 ENTITLED PERMIT REQUIREMENTS; REPEALING 115.02 ENTITLED TEMPORARY FOOD ESTABLISHMENTS; REPEALING 115.03 ENTITLED PERMANENT FOOD ESTABLISHMENTS; REPEALING 115.04 ENTITLED FOOD PERMIT FEES; ADDING A NEW SECTION 115.05 ENTITLED REGULATIONS FOR MOBILE FOOD ESTABLISHMENTS; PROVIDING A SAVINGS CLAUSE: PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF CONFLICT ONLY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AT THE DATE OF ITS PASSAGE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF SWEENY, TEXAS:**

Section 1:

Section 115.01 of the Code of Ordinances of the City of Sweeny, Texas, entitled Permit Requirements, is hereby repealed in its entirety.

Section 2:

Section 115.02 of the Code of Ordinances of the City of Sweeny, Texas, entitled Temporary Food Establishments, is hereby repealed in its entirety.

Section 3:

Section 115.03 of the Code of Ordinances of the City of Sweeny, Texas, entitled Permanent Food Establishments, is hereby repealed in its entirety.

Section 4:

Section 115.04 of the Code of Ordinances of the City of Sweeny, Texas, entitled Food Permit Fees, is hereby repealed in its entirety.

Section 5:

A new Section 115.05 of the Code of Ordinances of the City of Sweeny, Texas, is hereby adopted and shall read as follows:

Section 115.05 Mobile Food Establishment Regulations

- (1) All mobile food vendors and establishments shall be required to be licensed by the State of Texas, in accordance with Texas House Bill 2844, codified as Chapter 437B of the Texas Health and Safety Code, which establishes a uniform statewide licensing and inspection program for mobile food vendors administered by the Texas Department of State Health Services.
- (2) Mobile Food Vendors or Establishments who desire to operate within the City of Sweeny, Texas, shall be located in a commercially zoned area of said city in accordance with the Zoning Ordinance and land use regulations set forth therein.
- (3) Mobile Food Vendors or Establishments who desire to operate within the City of Sweeny shall adhere to the adopted International Fire Code, regulations adopted by the National Fire Protection Association, the adopted Zoning Ordinance that includes regulation of traffic, parking, right of way usage, noise, hours of operation and other time, place and manner restrictions not in conflict with state law.
- (4) Mobile Food Vendors or Establishments shall comply with the City of Sweeny Code of Ordinances to include connections to utilities, Texas Health and Safety Code, Texas Administrative Code, Texas Water Code and the Texas Department of State Health Services.

Section 6:

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

Section 7:

If any part of portion of this ordinance shall be determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

Section 5: This ordinance shall be effective from and after the date of its passage.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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DUSTY HOPKINS, Mayor

ATTEST:

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KAYDI SMITH, City Secretary