

## CHAPTER 115: MOBILE FOOD ESTABLISHMENTS

### Section

- ~~—115.01 Permit requirements—REPEAL~~
- ~~—115.02 Temporary food establishments—REPEAL~~
- ~~—115.03 Permanent food establishments—REPEAL~~
- ~~—115.04 Food permit fees—REPEAL~~

### ADD In/Amendment- New Requirements/Regulations by State, COS Authority to Regulate

#### 115.99 Penalty

#### ~~§ 115.01 PERMIT REQUIREMENTS.~~

~~—No person shall operate a mobile food establishment, whether temporary or permanent, without first obtaining a permit issued by the city. The fee for this permit shall be established by the permanently adopted fee schedule of the city. The following regulations shall apply to all permits granted under this section.~~

~~—(A) All permits shall be issued on an annual basis and shall expire and/or renew upon the first day of each calendar year.~~

~~—(B) Prior to issuing the permit, the city shall inspect the proposed food establishment to determine that it complies with state laws and regulations.~~

~~—(C) The regulating authority shall suspend the permit if violations of the Tex. Health and Safety Code Chapter 437 and/or Tex. Admin. Code, Title 25, § 229.161 are found; and/or if the violation creates an immediate threat to the health and safety of the public.~~

~~—(D) The food vendor permit shall be displayed on the mobile food unit at all times.~~

~~(Ord. 107-20, passed 12-15-20; Am. Ord. 24-102, passed 5-21-24)~~

#### ~~§ 115.02 TEMPORARY FOOD ESTABLISHMENTS.~~

~~—(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—TEMPORARY FOOD ESTABLISHMENT. A food establishment that operates for a temporary period of time which has a fee specified on the city's master fee schedule, and not the annual fee specified in § 115.01, which is payable prior to operating the temporary food establishment. Fees are not prorated, are non-refundable and subject to change. All fees are established by City Council.~~

~~—(B) A temporary food establishment must obtain a temporary permit prior to setting up. An application for a temporary food establishment must be submitted seven days prior to the designated time for the permitted use. Types of temporary food establishment permits are:~~

~~—(1) Twenty four hour temporary mobile food establishment: 24 hour permit only. A food establishment that operates for a period of no more than 24 hours at one time and which has a day rate fee.~~

~~—(2) Push cart/roadside vendor only: annual permit. Sno-cone trucks/vendors, ice cream trucks/vendors. If push carts or roadside vendors are parking/establishing business at a location for any amount of time, division (F) will apply.~~

~~—(C) A permitted unit must be readily moveable as stated under the Texas food establishment rules as adopted and amended under Texas Health and Safety Code Chapter 437. A mobile food establishment means an operator of a vehicle mounted, self or otherwise propelled, self-contained food service operation designed to be readily moveable (including but not limited to catering trucks, trailers, push carts and roadside vendors) and used to store, prepare, display, serve or sell food that requires temperature control.~~

~~—(D) No city utilities will be available.~~

~~—(E) A temporary food establishment is only allowed to establish operations within a commercial, industrial or institutionally zoned area. The City Manager or his or her designee has the discretion to determine all permitted locations.~~

~~—(F) Permission from the property owner of a specified location is required in a signed written statement which is to be presented at the time of the application with dates of usage specified. Any time the location is subject to change, a new permit must be issued with the new location's letter of property owner's written statement.~~

~~—(G) Any application for a temporary food establishment must include a Brazoria County Environmental Health Department permit.~~

~~{Ord. 107-20, passed 12-15-20; Am. Ord. 23-109, passed 10-24-23}~~

#### ~~§ 115.03 PERMANENT FOOD ESTABLISHMENTS.~~

~~—(A) Food trucks and/or trailers are an operation that stores, prepares, packages, serves, or otherwise provides food for human consumption such as: a food service; an operation that is conducted in a permanent facility or location where consumption is on or off the premises; and regardless of whether there is a charge for the food and as further defined under Tex. Admin. Code Title 25, § 229.371(6). Prior to operating as a permanent food truck or food trailer as provided above, all owners or operator shall:~~

~~—(1) Obtain a permit prior to setup to include the generalized annual registration fee due at the beginning of each calendar year. The City of Sweeny does not pro-rate registrations and all fees are nonrefundable;~~

~~(2) Be located in a commercially zoned area and property must be owned by the food establishment applicant and owner;~~

~~—(3) Provide sales tax ID naming the City of Sweeny as the origin of sale; and~~

~~—(4) Be connected to the City of Sweeny water and sewer system in a manner that complies with the current codes of the City of Sweeny and setup required utility account.~~

~~—(B) All food establishments must adhere to the adopted International Fire Code, adopted National Fire Protection Association, the adopted International Building Code, city ordinances for connection of utilities, Texas Health and Safety Code, Texas Administrative Code, Texas Water Code, Texas Department of State Health Services, and the Brazoria County Health Department. Applications shall be obtained and submitted to the Building Department for possible permit issuance adhering to the above codes and are also to include the following, but not limited to:~~

~~—(1) Backflow preventers shall be installed prior to water connection as stated in § 151.07 and the International Building Code.~~

~~—(2) Grease traps shall be installed prior to sewer connection if any frying is permitted by the Fire Marshal.~~

~~—(3) Food establishment must remove wheels and be tied down in accordance with the current city codes.~~

~~—(4) Food establishment shall be fully skirted.~~

~~—(5) Commercial compliance of ADA restrooms and hand washing station; including plans as stated in the IBC, or a property form filled out by neighboring business within 200 feet allowing permission of restrooms to be used by establishments employees and customers.~~

~~—(6) The minimum acceptable surfacing for the unit's pad and parking shall consist of a minimum of eight inches compacted sand stabilized shell limestone, or lime stabilized crushed aggregate base meeting State Department of Highways specifications or a minimum of six inches reinforced concrete pavement (3,000 P.S.I.) reinforced concrete (§ 152.51(B)(1)) and shall be accessible to Fire Department apparatus and capable of supporting the imposed load of fire apparatus (International Fire Code, Appendix D).~~

~~—(7) Permanent locations must include a minimum of five parking spaces. Each space must be a minimum of nine feet by 18 feet, as determined in the Zoning Ordinance under § 10-162(24).~~

~~—(C) All permanent mobile food establishments must submit Brazoria County health inspection report approval and City of Sweeny Fire Marshal inspection report approval upon application submittal.~~

~~{Ord. 107-20, passed 12-15-20}~~

~~§ 115.04 FOOD PERMIT FEES.~~

~~—(A) Temporary and permanent mobile food establishments seeking a permit under the provisions of the mobile food establishment sections as provided herein shall pay an application fee as set in the city's master fee schedule. The fee shall be paid by the person desiring the permit and is payable at the time of the application.~~

~~—(B) The city, at its sole discretion, may waive fees for any city sponsored event with the request for waiver being received by the city at least 60 days prior to the event. All temporary food establishment requirements must be met per the city ordinance in order for any fees to be waived.~~

~~(Ord. 107-20, passed 12-15-20; Am. Ord. 23-109, passed 10-24-23)~~

MOBILE FOOD ESTABLISHMENTS are to confirm with HB 2844, codified as Texas Health and Safety Code Chapter 437B, establishing a uniform statewide licensing and inspection program for mobile food vendors administered by the Texas Department of State Health Services (DSHS). All mobile food vendors and establishments are required to obtain the required state licensing.

Mobile Food Vendors or Establishments must be located in a commercially zoned area according to the Zoning Ordinance and land use regulations set forth by the City.

All food vendors or establishments must adhere to the adopted International Fire Code, adopted National Fire Protection Association, the adopted Zoning Ordinance that includes regulations of traffic, parking, right of way usage, noise, hours of operation, and other time, place, and manner restrictions not in conflict with state law. Mobile food vendors or establishments must comply with the City's code of ordinances to include connection of utilities, Texas Health and Safety Code, Texas Administrative Code, Texas Water Code, and the Texas Department of State Health Services.

§ 115.99 PENALTY.

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor upon conviction and in accordance with Tex. Loc. Gov't Code § 54.001. Each day shall constitute a separate offense.

(Ord. 107-20, passed 12-15-20)