

ORDINANCE NO. _____

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; AMENDING SECTION 115.02 ENTITLED TEMPORARY FOOD ESTABLISHMENTS; REGULATING TEMPORARY FOOD ESTABLISHMENTS INCLUDING ADDING PUSH CART/ROADSIDE VENDORS; AMENDING SECTION 115.04 ESTABLISHING FEES; 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 115.02 of the Code of Ordinances of the City of Sweeny, Texas, which provides for the regulation of temporary food establishments is hereby amended as follows:

Section 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 Section 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:

24 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.

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, Section 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/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.

Section 2:

Section 115.04 of the Code of Ordinances of the City of Sweeny, Texas, which provides for fees for permanent and temporary food permits is amended and hereafter shall read as follows:

Section 115.04 FOOD PERMIT FEES

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.

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 sixty 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.

Section 3:

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4:

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 _____, 2023.

DUSTY HOPKINS, Mayor

ATTEST:

KAYDI SMITH, City Secretary