

## CHAPTER 115: MOBILE FOOD ESTABLISHMENTS

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### Section

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### § 115.01 PERMIT REQUIREMENTS.

No person shall operate a mobile food establishment, whether temporary, 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) Any mobile units, as defined under Tex. Health and Safety Code Chapter 437, making application to register and sell within the Sweeny city limits may not be more than five years old.

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

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

(D) The regulating authority shall suspend the license 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.

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

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

### § 115.02 TEMPORARY FOOD ESTABLISHMENTS.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**TEMPORARY FOOD ESTABLISHMENT.** A food establishment that operates for a period of no more than 24 hours at any one time and which has a day rate fee, and not the annual fee specified in § 115.01, which is payable prior to operating the temporary 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. Any temporary permit issued hereunder shall be for a maximum 24 hours. An application for temporary food establishment must be submitted seven days prior to the designated time for the permitted use.

(C) A permitted unit must be readily moveable as stated under the Texas food establishment rules as adopted and amended and under Tex. 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 the specified location is required in a signed written statement which is to be presented at the time of the application.

(G) Any application for a temporary food establishment must include Brazoria County health inspection report approval and City of Sweeny Fire Marshal inspection report approval.

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

### § 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)(I)) 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 FEES.**

The following schedule of fees is hereby established for permanent and temporary permits issued pursuant to this chapter; future revisions of these fees shall be accomplished by action of the Council. The fees are as follows:

<b>Type of Fee</b>	<b>Amount</b>
Annual registration fee	\$150
Daily temporary fee	\$75
Fire Marshal inspection	\$80

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

#### **§ 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)