

**ORDINANCE NO. 11172011**  
*(Creating Regulations Regarding Mobile Food Vendors)*

**AN ORDINANCE OF THE CITY OF ALVORD, WISE COUNTY, TEXAS, CREATING REGULATIONS REGARDING MOBILE FOOD VENDORS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alvord is a Type A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council has found that the existing ordinances do not adequately regulate mobile food vendors or units; and

**WHEREAS**, the City Council deems it necessary to enact an ordinance to provide comprehensive regulations for mobile food vendors and units;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVORD, WISE COUNTY, TEXAS:**

**SECTION 1 Definitions:**

**Itinerant Merchant.** Any person who sell goods or takes orders from house to house or from place to place in the City or who sells out of a vehicle, wagon, cart, or other conveyance used in the transportation of such merchandise parked on premises where there is no related business building. (Mobile food vendors are not considered itinerant merchants for the purpose of this Ordinance.)

**Mobile Food Unit.** A vehicle-mounted food establishment, designed to be readily moveable, typically constructed in a truck or trailer. Mobile food units may not be permanently parked in one location.

**Mobile Food Vendor.** Any person who sells food products or takes food product orders from house to house or from place to place in the City, and who sells such food out of a vehicle, wagon, cart or other conveyance used in the transportation of such food on premises where there is no related business building.

**SECTION 2 Mobile Food Vendor Solicitation.**

(A) **Submitting Plans.** Plans shall be submitted to the City Secretary for new construction or the renovation or the conversion of a unit to a mobile food unit. Plans should show the equipment layout, and the arrangement and construction material of the inside of the unit including food preparation, storage, and window service areas.

(B) Required Documentation. To obtain a mobile food vendor permit, a mobile food vendor must submit a list of foods and beverages to be served on the unit, stating the source of the item and when and where it will be prepared.

(C) Initial Inspection of the Mobile Unit. Arrangements must be made for an initial inspection of the mobile food unit by the Mayor or Code Enforcement Officer after plans are approved and before food can be prepared and sold from the unit.

(D) Permit. It shall be unlawful for any person to operate a mobile food unit without having obtained a permit issued by the City. Permits may be purchased monthly for up to one year from the date of issuance. Permits may be cancelled on any violation by the permittee of this Ordinance.

(E) Inspections. Mobile food units may be inspected at any time the Code Enforcement Officer. The mobile food vendor shall keep the City Secretary's office informed of the general location of the mobile unit on a quarterly basis.

(F) Food Manager's Training. A certified food manager must be present at the mobile food unit during each day of operation.

(G) Food Source and Food Protection.

(i) All food sold on the unit must be either prepared on the unit or at an approved, permitted food establishment. Food may not be prepared at home; food offered for sale must comply with labeling laws where applicable; food shall be in sound condition, free of spoilage, filth, or any other contamination and shall be safe for human consumption.

(ii) Only ice that has been made from potable (drinking) water shall be used or offered for sale.

(iii) Ice intended for human consumption shall be used to cool foods, food containers, or food utensils. Ice used for cooling stored foods and food containers shall not be used for human consumption.

(iv) Food, whether raw or prepared, if removed from the original package or container shall be stored in a clean, covered, impervious and nonabsorbent container, except during periods of preparation or service. Solid cuts of meat shall be protected by being covered during storage.

(v) Containers of food shall be stored at least six inches (6") above the floor in a manner that protects food from splash and contamination and permits easy cleaning of the floor.

(vi) No food can be stored in toilet rooms or vestibules.

(vii) No food, including packaged foods, shall be stored in contact with water

or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.

(viii) Conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure that potentially hazardous foods are maintained at 41°F or below.

(ix) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to internal temperatures of 41°F below. Potentially hazardous foods shall not be prepared in quantities so large that rapid cooling will not be possible.

(x) Stored frozen foods shall be kept frozen.

(xi) The internal hot holding temperature of potentially hazardous food shall be 135°F or above except during necessary periods of preparation. Each hot storage unit must have an accurate thermometer available.

(xii) A product (stem type) thermometer is needed to check internal temperatures of potentially hazardous foods.

(H) Utensils. Only single service (plastic or paper) utensils, tableware, plates, etc., shall be used.

(I) Insect and Rodent Control. All mobile food units shall be constructed in such a manner as to prevent the entrance of flies, dust, dirt, or other foreign matter. Mobile food units must be provided with tight fitting, solid, or screened doors or windows.

(J) Floors.

(i) Floors shall be constructed of smooth, easily cleanable materials such as ceramic tile, linoleum, or laminated wood.

(ii) Sawdust, wood shavings, peanut hulls, etc. are prohibited.

(iii) Mats and duckboards shall be nonabsorbent and cleaned daily.

(K) Walls and Ceilings.

(i) Walls and ceilings shall be light colored, smooth, nonabsorbent and easily cleanable.

(ii) Food preparation areas shall be well lit.

(iii) All lights in food preparation areas must be shielded.

(L) Ventilation. The ventilation system shall be installed and operated according to the Texas Food Establishment Rules and the International Mechanical Code.

(M) Animals. Live animals shall be excluded from the surrounding areas of all mobile food units.

(N) Cleaning and Sanitization of Equipment.

(i) A two-compartment sink with hot and cold running water under pressure is required; however, a three-compartment sink is recommended.

(ii) The hand lavatory must be accessible and convenient.

(O) Fresh Water and Waste Water Systems.

(i) All mobile units must have potable (drinking) water and the storage of potable water must be according to law.

(ii) All mobile food units must have hot and cold running water under pressure. Hot water at a temperature of at least 100°F shall be provided to all fixtures at all times while the unit is in operation.

(iii) Fresh water must be provided in a self-contained system within the mobile food unit. Water may not be supplied to the mobile unit by running hoses from an establishment to the unit.

(iv) The water inlet shall be capped when not being used to fill a water tank.

(v) Wastewater shall be stored in a permanently installed retention tank that is sized at least 15% larger in capacity than the water supply tank and is sloped to drain. The drain pipe must be at least 25 millimeters (1 inch) in inner diameter or greater and equipped with a shutoff valve.

(vi) Wastewater must be disposed of by a sewage transport vehicle, and under no circumstances shall wastewater be disposed in the municipal wastewater system.

(P) Vehicle Requirements.

(i) All mobile units shall be readily identifiable by business name, printed in bold letters not less than three inches (3") in height, not less than one and one-half inches (1 ½") in width, permanently affixed, and prominently displayed upon at least two sides of the unit.

(ii) All mobile food units shall maintain a current Texas motor vehicle inspection sticker and a current Texas motor vehicle license plate registration sticker.

(iii) All mobile food units must be readily moveable (capable of moving immediately upon the request of the Mayor or Code Enforcement Officer).

(Q) Applicability for Prepackaged Sales. For mobile food vendors who only sell prepackaged goods on their mobile food units, the only subparts of this article that apply are those relative to:

- (i) Submitting plans;
- (ii) Required documentation;
- (iii) Initial inspection of the mobile unit;
- (iv) Permits;
- (v) Inspections;
- (vi) Food source and food protection when applicable, as determined by the Code Enforcement Officer;
- (vii) Insect and rodent control;
- (viii) Animals;
- (ix) Fresh water and wastewater systems, when applicable, as determined by the Mayor or Code Enforcement Officer; and
- (x) Vehicle requirements.

**SECTION 4 Enforcement.**

(A) The police department is authorized to investigate the affairs of any person soliciting either before or after the filing of an application for a permit for solicitation.

(B) The Code Enforcement Department may deny a permit to any applicant for good cause, which shall include, but is not limited to, the following:

- (i) A fugitive from justice;
- (ii) Upon submission of an incomplete application for a solicitor's permit;
- (iii) Providing false and/or misleading statements on the application for a solicitor's permit.

**SECTION 5 Repealer Clause.** All provisions of the ordinances of the City of Alvord in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Alvord not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 6 Severability Clause.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

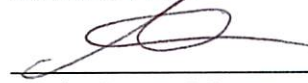
**SECTION 7 Penalty Clause.** Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense involving fire safety, zoning or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 8 Publication Clause.** The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, and effective date clause in the official City newspaper one time as authorized by Section 52.011 of the Texas Local Government Code.

**SECTION 9 Effective Date.** This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALVORD, WISE COUNTY, TEXAS ON THIS 17th DAY OF November, 2011.**

**APPROVED:**

  
Chris Caster, Mayor



**ATTEST:**

  
Pam Sereika, City Secretary

**APPROVED AS TO FORM:**

  
James E. Shepherd, Municipal Attorney