

**ARTICLE 4.06
MOBILE FOOD VENDORS**

§ 4.06.001. General regulations.

- (a) **Popular name.** This article shall be referred to as the “mobile food vendor ordinance.”
- (b) **Purpose.** This article is adopted so that the city may enact the appropriate administrative and regulatory rules and procedures pertaining to mobile food vendors.
- (c) **Scope of jurisdiction.** This article shall apply within the city limits of the city.

(d) **Definitions.**

Applicant. A person, group, business, or entity who submits an application for a mobile food vendor permit.

City. The City of Johnson City.

City limits. The incorporated municipal boundary of the city.

City designee. The person designated by the city council to review and process permit applications and to oversee provisions of this article.

County. Blanco County, Texas.

Location or siting. An area in which a mobile food vendor is located.

Mobile food court. Two or more mobile food vendors in the same location.

Mobile food establishment. An operation that, prepares stores, packages, serves, vends, or otherwise provides food for human consumption:

- (1) To include a restaurant; retail food store; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer; market; vending location; conveyance used to transport people; institution; or food bank; and
- (2) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

Mobile food trailer or mobile food unit. A vehicle-mounted mobile food establishment designed to be readily movable such as a trailer or a self-propelled motor vehicle, including a recreational vehicle, motor home, travel trailer or camper trailer.

Mobile food vendor. The operator or owner of a vehicle-mounted retail vehicle or trailer that is readily movable, and provides food goods and/or services directly to a consumer.

Permanent mobile unit. A mobile food establishment situated at a location for 10 days or more days a month and for which a conditional use permit for siting is required.

Permit. A license, certificate, approval, registration, consent, contract or other form of authorization required by law, rule, regulation, order or ordinance that a person shall obtain to perform an action or initiate, continue, or complete a project for which the

permit is sought.

Person. A human individual, agency, association, corporation, partnership or sole proprietorship.

Site. A platted or unplatted lot in the city limits treated as a single tract for purposes of the assessment of property taxes. A site may be identified by its address, or legal property description.

State. The State of Texas and related state agencies.

Temporary mobile food court. A mobile food establishment situated at a location for 10 days or less a month.

(e) Water and electricity.

(1) Water provided or used by the mobile food vendor shall not come from a temporary connection to potable water. *↳ where is potable water coming from?*

(2) Electricity provided shall be from a generator or an electrical outlet via a portable cord that conforms to the city's electric code and is permitted by any provider. *↳ where is electricity coming from?*

(f) Fire safety. A mobile food vendor shall comply with all city fire and explosion safety standards. This requirement also applies to a mobile food unit where:

(1) Food is maintained at a hot holding temperature by mechanical means; and/or

(2) A pressurized fuel system or container is used.

fire extinguisher?

(g) Trash.

(1) A mobile food trailer or establishment shall be equipped with an attached trash receptacle approved by the city.

(2) Solid and liquid waste shall be held, stored and disposed of in a receptacle approved by the city and/or county health authority and in compliance with applicable city code requirements. *↳ how will sewer be disposed? Grease trap?*

(3) A mobile food vendor shall provide a trash receptacle for use by customers.

(4) A mobile food vendor shall maintain the area around the mobile food trailer or establishment clear of litter and debris at all times.

(h) Additional requirements.

(1) A mobile food vendor shall comply with all city, county and state health regulations regarding time, temperature, plumbing, operation and maintenance requirements for a mobile food establishment and as outlined in the Texas Food Establishment Rules promulgated by the Texas Department of State Health Services (DSHS).

(2) If a mobile food trailer or unit does not have a self-contained kitchen, the mobile food vendor must setup and operate a central preparation facility unless a variance from DSHS was issued.

- (3) A mobile food vendor shall store all food and supplies within the mobile food unit.
- (4) A mobile food vendor shall comply with all requirements prohibiting alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility of the mobile food establishment unit.
- (5) A mobile food vendor(s) operating a multiple vendor mobile food court shall provide city-approved portable restrooms for employees and customers.
- (6) A mobile food vendor is required to acquire and display on the mobile food unit the proper city-issued and state (DSHS) permits and licenses in order to operate within the city. *↳ where are the restrooms?*
- (7) A mobile food vendor shall comply with the Americans with Disabilities Act (ADA).
- (8) A mobile food establishment shall be subject to on-site inspections by the city and/or county.
- (9) A mobile food unit or establishment shall not operate between the hours of 11:00 p.m. and 6:00 a.m.
- (10) A mobile food vendor is prohibited from being located within 100 feet of a restaurant of general use or a restaurant of limited use, measured from the property line of the mobile food vendor to the property line of the restaurant, unless the vendor has obtained permission to setup and operate a mobile food unit from each affected restaurant. *- See attachment and provide their responses.*
- (11) A mobile food unit or establishment shall be located in an area which shall have access to three parking spaces, including off-street and on-street parking, or the reasonable equivalent, each. Parking spaces that are required for another business shall not be counted towards the required spaces for the mobile food unit unless authorized by the business and approved by the city. Parking spaces shall comply with the city's parking standards found in this code, including ADA standards. A mobile food unit located in the historic district overlay is exempt from this provision. *N/A*
- (12) If a mobile food vendor remains at a same location for longer than 10 days a month, a conditional use permit (CUP) is required. If after 10 days, a mobile food vendor wishes to relocate to a different location within the city, the vendor may do so for an additional 5 days without obtaining a CUP. In any given month, a vendor may not locate within the city limits for more than 15 days a month without obtaining a CUP per the requirements in this article.
- (13) A mobile food vendor or a mobile food court with a CUP permit (longer than 10 days) may request to have amplified sound/music as part of the CUP application. The city will review the appropriateness of the request on a case-by-case basis and determine conditions in the CUP.

- (14) The noise level of mechanical equipment or outside sound equipment used at a mobile food trailer or establishment may not exceed 70 decibels when measured at the property line.
 - (15) A mobile food establishment or trailer shall be permitted to operate in a district zoned commercial, public use, or park and in the area with the historic district overlay.
 - (16) Drive-in service is not permitted for any mobile food establishment.
 - (17) Lighting for a mobile food unit shall comply with the city's lighting ordinance. Additional lighting for signs shall comply with the city's lighting ordinance.
 - (18) Any sign on a mobile food unit must be attached to the unit's exterior. The sign:
 - (A) Shall be secured and mounted flat against the mobile unit;
 - (B) Shall not project more than six inches from the exterior of the mobile unit; and
 - (C) Shall not exceed 50% of the side of the surface area of the unit to which it is affixed.
- (Ordinance 19-0803 adopted 8/13/19)

§ 4.06.002. Permit required; application requirements; restrictions; exemptions.

(a) Permit required.

- (1) A person shall be required to obtain a mobile food vendor permit from the city:
 - (A) To operate a mobile food trailer or establishment;
 - (B) To conduct sales at a mobile food trailer or establishment;
 - (C) Prior to erecting, installing or parking a mobile food trailer or establishment in city limits; and
 - (D) Prior to a sale, offer for sale or exhibit for the purpose of taking orders for the sale of any food or beverages, except in the following areas after obtaining a permit:
 - (i) Areas zoned residential; or
 - (ii) On any property where the food truck operation is permitted as a temporary use under the zoning ordinance, but only in accordance with such temporary use regulations.
- (2) The following persons and/or businesses are exempt from the permit requirement as follows:
 - (A) A person operating a mobile food trailer or establishment for a special event or city-sponsored event must submit an application for a mobile food vendor permit but is not required to pay a permit fee; said operator must provide

written approval of participation by the mobile food court in the special event;
or

- (B) A person operating on private property only as a caterer under a contract for the sale of food to the property owner, and who does not sell food to any person other than the property owner; or
- (C) The mobile food vendor is a complementary extension or outlet, of a brick-and-mortar restaurant or business and the applicant applies for and is granted a conditional use permit under the requirements of the city's zoning ordinance. The mobile food vendor shall only operate during the operating business hours of the brick-and-mortar business of which the mobile food vendor is an extension or outlet.

(b) Permit application. An application:

- (1) Shall be submitted on a form provided by the city to the city secretary;
- (2) Must be submitted at least 10 days prior to beginning operations in the city;
- (3) Shall include the following information:
 - (A) Proof of sales tax certificate;
 - (B) Proof of sales tax report;
 - (C) Proof of possession of a mobile food unit establishment permit or license issued by the DSHS;
 - (D) The full name and address of the applicant vendor, the location of the principal office and place of business;
 - (E) A statement showing the kind and character of the food and beverages to be sold, or offered for sale;
 - (F) A photograph and description of the vehicle, including license number, make, model, dimensions and a description of all attachments such as canopies and shelves;
 - (G) A certified copy of the charter if the food truck vendor is a corporation incorporated under the laws of the state;
 - (H) A conditional use permit, if required, for the premises on which the business will be conducted, unless the business will be conducted only on public streets;
 - (I) Written proof of the applicant's permission to use the private property on which the mobile food unit or establishment will operate;
 - (J) Written authorization issued by the city if the business will be conducted on a public city street;
 - (K) A certificate of insurance evidencing liability insurance in an amount required

by the city; and

(L) Other information deemed appropriate and relevant.

(c) Permit fees; duration.

- (1) A mobile food vendor permit application submitted to the city shall be accompanied by a permit fee in an amount established in the city's master fee schedule.
 - (2) The duration of each permit issued shall be effective for the time period described in the master fee schedule. No permit shall be issued exceeding 181 days.
- (Ordinance 19-0803 adopted 8/13/19)

§ 4.06.003. Permanent mobile food courts.

- (a) A mobile food establishment situated at a location for longer than 10 days a month shall be deemed a permanent mobile food court. A mobile food vendor permit is required for a permanent mobile food court.
- (b) A conditional use permit (CUP) shall be required to establish a permanent mobile food court. A CUP must be received prior to or at the same time of issuance of a mobile food court vendor permit. Issuance of a CUP is in accordance with the procedures for CUPs of the city's zoning ordinance.
- (c) Permanent mobile food court requirements:
 - (1) All permanent mobile food establishments situated on the property shall be located on an impermeable surface such as concrete or rolled asphalt, or a stable permeable surface such as decomposed granite or other similar material.
 - (2) All permanent mobile food establishments shall have connections for electricity, potable water, and sewage disposal, or a system to adequately provide these services to each mobile food establishment. *grease trap for court or individual? ↳ same question as above.*
 - (3) A restroom equipped with flush type toilets and properly hooked up to a sanitary sewage system with sufficient capacity to meet the needs of the establishments, employees, and customers shall be available on the property. The restroom shall be equipped with hand sinks, hot and cold water, and either hand towels or forced air hand dryers. Within sixty (60) days of approval of the conditional use permit, the restroom facility must be constructed and fully functional. *same question as above.*
 - (4) Pavilions with shade and similar seating areas (i.e. shaded picnic tables) for customers shall be provided, at a minimum of eight places for seating at a table or tables for every three (3) mobile food vendors. *↳ very difficult*
 - (5) Landscaping shall comply with parking lot landscaping requirements of the city's landscape ordinance. Pedestrian pathways may be provided.
 - (6) Signage for a mobile food vendor court must be in compliance with the city's sign ordinance.

- (7) All permanent structures must be in compliance with city code regarding exterior design.
- (8) Amplified sound/music must be in compliance with provisions stated in this article.
- (9) Outdoor lighting must be in compliance with the city's outdoor lighting ordinance.
- (10) A permanent mobile food court located within any historic district of the city must be setup in compliance with all applicable historic regulations.
(Ordinance 19-0803 adopted 8/13/19)

§ 4.06.004. Issuance; denial; revocation; appeal.

- (a) The city designee shall review each permit application to identify public safety and health issues, traffic concerns, street closures, adjustments to emergency response routes and crowd safety. The city designee shall consult with an applicant on additional conditions required, if necessary.
- (b) The city designee shall issue a permit upon a showing of compliance by the applicant with the standards and requirements of this article.
- (c) The city designee may deny a permit under the following circumstances:
 - (1) The applicant has failed to supply the required information or makes or permits the making of a false or misleading statement or omission of material fact on an application for a permit;
 - (2) The applicant has not paid the required permit fees and deposits;
 - (3) The mobile food court site will conflict with another site for which a permit has already been issued;
 - (4) The applicant has not met all of the provisions of this article;
 - (5) The applicant has been convicted of violating this article or has had a permit revoked within the preceding 12 months;
 - (6) The applicant has previously failed to pay for costs from a previous permit;
 - (7) The applicant fails to provide proof of a license or permit required by another city ordinance or by state law; or
 - (8) The mobile food court establishment would interfere, severely hinder or compromise the delivery or performance of normal city services, including previously scheduled construction or maintenance services, or emergency services or constitutes a public threat.
- (d) The city designee shall have the authority to revoke an issued permit for failure to comply with this article.
- (e) An applicant denied a permit may appeal a denial of a permit or revocation of a permit to the city council which shall hear the appeal as soon as possible.

(Ordinance 19-0803 adopted 8/13/19)

§ 4.06.005. Offense; enforcement; penalty; revocation.

(a) Enforcement; civil and criminal penalties; nuisance offense declared.

- (1) The city shall have the power to administer and enforce the provisions of this article.
- (2) A person who violates any provision of this article commits an offense.
- (3) A person violating any provision of this article is subject to prosecution for criminal violations as well as suit for injunctive relief.
- (4) A violation of this article is hereby declared to be a nuisance.

(b) Criminal offense and fines.

- (1) A person violating any provision of this article shall, upon conviction, be fined a sum of \$500.00 and up to \$2,000.00 if the violation also involves fire safety, zoning or public health and sanitation, including dumping of refuse. Each day that a provision of this article is violated shall constitute a separate offense.
- (2) An offense under this article is a misdemeanor.

(c) Civil remedies and penalties. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
- (2) A civil penalty up to five hundred dollars (\$500.00) per day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article;
- (3) Revocation of an issued permit; or
- (4) Other available relief.

(d) Reissuance of permit upon revocation. A mobile food vendor whose permit has been revoked by the city may apply for and obtain a permit after expiration of one year after the revocation.

(Ordinance 19-0803 adopted 8/13/19)