

CITY OF EVERMAN

ORDINANCE No. 771

MOBILE FOOD TRUCK ORDINANCE

AN ORDINANCE OF THE CITY OF EVERMAN (“CITY”), TEXAS, ADDING DIVISION 3 TO ARTICLE III, FOOD ESTABLISHMENTS, WITHIN CHAPTER 11, LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS OF THE CITY’S CODE OF ORDINANCES ENACTING THE REGULATION OF MOBILE FOOD VENDORS; AND PROVIDING FOR THE FOLLOWING: POPULAR NAME; FINDINGS OF FACT; SCOPE OF JURISDICTION; APPLICABILITY; EFFECTIVE DATE; ENFORCEMENT, INCLUDING CRIMINAL FINES NOT TO EXCEED \$2,000.00 AND CIVIL PENALTIES NOT TO EXCEED \$500.00 PER VIOLATION; AND THAT EACH DAY IN VIOLATION CONSTITUTES A SEPARATE OFFENSE; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Everman (“City Council”) seeks to provide for the orderly development of land and use of property within its corporate limits; and

WHEREAS, the City Council is concerned about land use planning challenges posed by the potential proliferation of Mobile Food Trucks; and

WHEREAS, the City Council seeks to protect the public health, safety and welfare through a comprehensive regulatory program that includes food safety standards and location regulations; and

WHEREAS, through these regulations, the City Council finds compatibility of Mobile Food Trucks on the broader scheme of the various zoning districts in the City; and

WHEREAS, with these regulations, the City Council addresses potential health risks posed by Mobile Food Trucks and the applicability of certain state and local health codes; and

WHEREAS, the City Council has assessed the impact of Mobile Food Trucks on the aesthetic appeal of the community in certain locations; and

WHEREAS, the City Council is authorized to regulate Mobile Food Trucks by virtue of the

Texas Constitution, the Texas Health and Safety Code, the Texas Administrative Code, the City's police power and by the Texas Local Government Code, Chapters 51, 54, 211, 212, 214, 216, and 217; and

WHEREAS, the City Council finds that the restrictions and amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Division 3 is enacted and shall read in accordance with *Attachment "A" and Attachment "B"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. The entire attachment shall be inserted into the City's Code.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this the ____ day of April, 2021, by a vote of ____ (*ayes*) to ____ (*nays*) to ____ (*abstentions*) of the City Council of the City of Everman.

CITY OF EVERMAN:

by: _____
Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

City of Everman

CODE OF ORDINANCES

**CHAPTER 11: LICENSES, PERMITS, AND MISCELLANEOUS
BUSINESS REGULATIONS**

ARTICLE III: FOOD ESTABLISHMENTS

DIVISION 3: MOBILE FOOD TRUCKS

Sec. 11-191 Purpose

This article is adopted so that the City Council may regulate procedures and permitting requirements for mobile food trucks.

Sec. 11-192 Scope of Jurisdiction

All of the provisions of this Article shall apply within the City Limits (i.e., incorporated municipal boundary) of the City.

Sec. 11-193 Definitions

Mobile Food Truck: A self-propelled vehicle that is readily mobile with no permanent fixed location, the vendor of which prepares all or most of its food on board the vehicle to serve or distribute to customers in a form suitable for immediate consumption.

Mobile Food Park: an area on private property designated to accommodate two or more food trucks.

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.

Sec. 11-194 License

(a) Every food truck that conducts business within the City of Everman shall obtain an annual license and pay all appropriate fees in accordance with the City's Adopted Fee Schedule.

- (b) An application for a license, as required under this article, shall be filed with the City Secretary, and shall contain such information as the city may require. A license, as established by the City Council and set forth in this ordinance, shall accompany every application submitted for a Mobile Food Truck.
- (c) Licenses for a Mobile Food Truck shall be valid for one year after the date of issuance.
- (d) The license shall be displayed on the mobile food truck at all times in a conspicuous place where it can be readily viewed by the general public.
- (e) License Requirements:
 - (1) The owner of the mobile food truck shall provide the following information when applying for a license to operate a mobile food truck in the City:
 - i. Applicant's Name, and Business Name
 - ii. Valid Driver's License;
 - iii. Current registration and liability insurance for the mobile food truck;
 - iv. Proof of criminal background check for all operators of the food truck;
 - v. Tax Certificate;
 - vi. Sales Tax Reporting – Signed affidavit from Comptroller;
 - vii. Location, name, and address of Central Preparation Facility;
 - viii. List of all equipment used on the truck;
 - ix. List of food items to be served;
 - x. Copy of Food Manager Certification;
 - xi. Photos of the food truck;
 - xii. Proof of Health Inspection by the Tarrant County Health Department;
 - xiii. Proof of fire inspection; and
 - xiv. Any other information deemed necessary at the time of permitting.
- (f) It shall be unlawful for a Mobile Food Truck to operate within the City of Everman without a license.

Sec. 11-195 Fire Safety

Mobile Food Trucks shall comply with all City fire and explosion safety standards. This requirement also applies to Mobile Food Trucks that (1) maintain food at a hot holding temperature by mechanical means, and (2) use a pressurized fuel system(s) or container.

Sec. 11-196 Zoning and Location Restrictions.

- (a) Mobile Food Trucks shall only be allowed on those lots designated as Mobile Food Parks as included as Attachment B of this Ordinance;
- (b) Mobile Food Trucks shall not be allowed to conduct business in public or private right-of-way; and,
- (c) Mobile Food Trucks may be temporarily permitted on private property owned by a Public entity in the Community Facility Zoning District in accordance with this Ordinance.

Sec. 11-196 Trash

All Mobile Food Trucks shall:

- (a) Be equipped with an attached trash receptacle approved by the City's health authority;
- (b) Hold, store, and dispose of solid and liquid waste in a receptacle approved by the health authority and comply with any other applicable City Code and State Law requirements;
- (c) Provide a trash receptacle for use by customers; and
- (d) Maintain the area around the mobile truck clear of litter and debris at all times.

Sec. 11-197 Other Provisions

- (a) All Mobile Food Trucks shall comply with all Tarrant County adopted health regulations;
- (b) All Mobile Food Trucks shall acquire a food handling permit from the Tarrant County Health Department;
- (c) The City shall require a Mobile Food Truck to be inspected on a semi-annual basis;
- (d) The City may require that Mobile Food Truck found to violate this Ordinance to be reinspected by the health department;
- (e) All Mobile Food Trucks are required to store all food and supplies within the food truck;
- (f) All Mobile Food Trucks are required to have displayed on the food truck the proper City-issued permits and licenses in order to operate within the City, including City sales tax certificates;
- (g) All Mobile Food Trucks are prohibited from operating between the hours of 10:00 p.m. and 7:00 a.m.;
- (h) A drive-through service is not permitted for any Mobile Food Truck;
- (i) All Mobile Food Trucks are limited to signs attached to the exterior of the mobile vendor; and
 - (1) The signs:
 - i. shall be secured and mounted flat against the food truck;
 - ii. shall not project more than six inches from the exterior of the food truck; and
 - iii. shall not exceed 50% of the side of the surface area of the vehicle, trailer, etc., to which it is affixed; and
- (j) All Mobile Food Trucks shall comply with the federal Americans with Disabilities Act.

Sec. 11-198 Texas Food Establishment Rules

Food Trucks must comply with all regulations that pertain to Mobile Food Trucks as set forth in the Department of State Health Services' Texas Food Establishment Rules.

Sec. 11-199 Temporary Food Truck License

A Mobile Food Truck may be temporarily permitted on private property owned by a Public entity in the Community Facility Zoning District, or in conjunction with a Special Event Permit.

- (a) Temporary License for a Mobile Food Truck owned by a public entity in the Community Facility Zoning District:
 - (1) The applicant shall obtain a Temporary Food Truck License in accordance with Sec. 11-194, and pay fees in accordance with the City's Adopted Fee Schedule.
 - (2) A Temporary Food Truck License permitted in accordance with this section shall expire 14 days after the issuance of the license, unless otherwise provided for at the time of permitting.
- (b) Temporary License for a Mobile Food Truck in Conjunction with a Special Event Permit:
 - (1) A Mobile Food Truck license temporarily permitted in conjunction with a Special Event Permit shall expire with the Special Event Permit.
 - (2) A temporary Mobile Food Truck license shall be permitted in accordance with this ordinance, as well as Sec. 11-194, and pay fees in accordance with the City's Adopted Fee Schedule.
- (c) No Temporary Food Truck Licenses shall be permitted except as provided for in this Section.

Sec. 11-200 Permit Revocation

A vendor's Mobile Food Truck permit shall be revoked if any of the provisions of this Ordinance are not strictly adhered to.

Sec. 11-201 Enforcement and Penalties


The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief and civil penalty up to five hundred dollars (\$500.00) a day, as well as prosecution for criminal violations, punishable by a fine not to exceed two thousand dollars (\$2,000.00). Any violation of this Ordinance is hereby declared to be a nuisance and the enforcement provisions of Sec. 4.02.009 of the City's Code of Ordinances applies to this article.

Attachment "B"



Eureka Addition, Block 1, lots 6R, 7R, 8R, and 9R, City of Everman, Tarrant County, Texas.

Legend

 Boundary of lots where Mobile Food Trucks are permitted

