

ORIDNANCE NO. 2022-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, AMENDING PRIOR ORDINANCE 2015-04 DATED JUNE 16, 2015, PROVIDING AN ORDINANCE FOR A MOBILE FOOD UNIT ESTABLISHMENT, PROVIDING A PENALTY BY FINE FOR VOILATION; PROVIDING FOR PERMIT, ZONING AND LOCATION, OPERATIONS, PROCEDURES, PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in a continuing effort to work toward a practical and business friendly community, certain needed improvements to the above mentioned and recently enacted Mobile Food Unit Ordinance have been identified; and

WHEREAS, it is the intent of the City Council of the City of Hallsville to further and protect the public health, safety and welfare of its citizens; and

WHEREAS, the City Council wishes to maintain safety and a healthy community and wholesome environment; and

WHEREAS, after deliberation of the facts involved, the City Council of the City of Hallsville finds that a need exists for creation of an ordinance for Mobile Food Unit Establishments and regulations.

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

SECTION 1

Mobile Food Unit (MFU) – A vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to catering trucks, trailers, push carts and roadside vendors) and used to store, prepare, display, serve or sell food. Mobile Food Units must completely retain their mobility at all times. A Mobile Food Unit does not mean a stand or a booth. A roadside food vendor is classified as an MFU.

SECTION 2

PERMIT AND APPLICATION

a. No Mobile Food Unit shall operate before first obtaining a permit from the City of Hallsville.

The permit application can be obtained from the City Secretary at City Hall.

- b. Every permit shall be displayed at all times in a conspicuous place where it can be read by the general public on the Mobile Food Unit vehicle or trailer.
- c. All Mobile Food Units shall have a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance and a Texas Sale Tax Permit. Proof of these items will be required at the time of permit application and available at the time of any City inspection. Written permission from the property owner of the location on which the Mobile Food Unit is to be located is required prior to a permit being issued.
- d. All fees required in this section shall remain on file in the City Secretary's office.
- e. All employees of the Mobile Food Unit will be subject to a background check, i.e., criminal, sexual, violence, theft. The Hallsville City Police Department will be checking to be sure the workers listed on the application are the workers working in the food truck. A valid Driver's License and a 2x2 photo for each worker will need to be provided at the time of permit application along with workers' signatures. The fee for a background check will be **\$25.00/worker.**
- f. The fee for a Mobile Food Unit permit for 30 days is **\$275.00**
The fee for a Mobile Food Unit permit for 60 days is **\$375.00**
The fee for a Mobile Food Unit permit for 90 days is **\$500.00**
A one-day event Mobile Food Unit permit is **\$50.00** or **\$100.00** for 2 to 3 days.

Exception: A reduced permit fee of 50% will be charged for occasional citywide events including Western Days, National Night Out, Music in the Park or other similar events. And, at the Mayor's discretion, certain community events held in the park, the permit fee may be waived.

- g. The City will evaluate the data furnished by the applicant and may require additional information. Within 5 days of receipt of a completed permit application, the City will

determine whether or not to issue a Mobile Food Unit permit. The City may deny an application for a permit for any of the following grounds:

1. Failing to provide all of the information required by the City;
 2. The applicant's past record of ordinance violations;
 3. Safety record of the applicant or any driver/worker based on such things as civil and criminal lawsuits and violations of health and life, safety codes and ordinances;
 4. Providing false, misleading or inaccurate information to the City; or
 5. Other valid grounds.
- h. Permits shall be issued for a time period not to exceed 90 days.
- i. A new permit is required to be submitted within 15 days of the following, whereabout the previous permit will be voided, and the previous permit cancelled:
1. When ownership of the operating entity is changed or;
 2. The City determines that operations or management methods are no longer adequately described by the existing permit application.
- j. Permits are not transferrable.
- k. A permit may be revoked by the City for any violation of this section.
- l. A Mobile Food Unit owner or operator has the right to appeal a determination made by the City Secretary to the City Administrator by submitting a written appeal to the City Administrator, with a copy to the health inspector not more than five days after receiving notice of the suspension or denial of permit. The City Administrator or his or her designee will hear the appeal and issue a written finding not more than 30 days after the notice was delivered to the City Secretary. The City Administrator's determination is final.

SECTION 3

MOBILE FOOD UNIT ZONING AND LOCATION

- a. Mobile Food Units inside the City limits shall only be operated in areas zoned General Business and Residential.
- b. Mobile Food Units may not be located with 100 feet of the property line of an open and operating fixed location food service establishment.
- c. Mobile Food Units, including snow cone vendors, shall not conduct sales at a stationary location in a residential zoned area for more than 4 hours.
 1. More than 12 hours per location per day (hours of operation) excluding above.
 2. On a city owned property
- d. Mobile Food Units shall locate on private property only with written permission to do so and must comply if asked to leave by the property owner or city official. A copy of the written permission to operate in a specific location, signed by the private property owner, shall be kept within the Mobile Food Unit at all times. Additionally, this written permission must also include access to a restroom and hand washing station. The Mobile Food Unit operating at a fixed location for a period exceeding 4 hours may not operate if a public restroom is not accessible.
- e. No Mobile Food Units, their merchandise, advertising or seating shall obscure traffic sight visibility.
- f. Mobile Food Units shall not operate in driveways or fire lanes
- g. The Mobile Food Unit will be subject to inspection by the City upon permit application and may be subject to random inspection and upon reissuance of the permit.

- h. No Mobile Food Unit is allowed to operate in a City of Hallsville neighborhood without a permit meeting all requirements as mentioned in this ordinance.

SECTION 4

MOBILE FOOD UNIT OPERATIONS

- a. All Mobile Food Units shall be equipped with a self-closing, lidded trash receptacle.

The trash receptacle must be placed outside next to the Mobile Food Unit for use by the patrons of the unit. The area around the Mobile Food Unit shall be kept clean and free from litter, garbage and debris.
- b. Temporary connections to potable water are prohibited. Water shall be from an internal tank or City water service line and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the electrical code as adopted by the City of Hallsville, or an electrical connection from an approved provider.
- c. Liquid waste shall be contained in a permanently installed retention tank located on the Mobile Food Unit. Liquid waste shall be characterized as food service waste and shall meet the waste removal, manifesting disposal and treatment requirements of the City's sewer use ordinance prior to legal discharge.
- d. Mobile Food Units shall maintain the following fire prevention devices:
 - 1. All Mobile Food Units selling food cooked in the Mobile Food Unit shall keep at least one Class ABC fire extinguisher with a minimum 3A40BC rating, with a visible current inspection (tagged), fully charged and located within 30 feet of cooking equipment.
 - 2. All Mobile Food Units using compressed gas (L/P propane cylinders, etc.) shall

keep gas containers secured outside of the passenger area of the vending unit. Compressed gas cylinders shall be secured by one or more restraints and cannot be a fixed object or nested and secured by one or more restraints and cannot be located closer than ten feet from any trash or combustible material. All valves, hoses and connections used shall be rated for use with petroleum gas.

3. While cooking operations are being conducted, Mobile Food Units shall be located at least 50 feet away from all habitable structures and must comply with all laws and regulations within Harrison County and the State of Texas.

SECTION 5

If any word, article, phrase, paragraph, sentence, clause or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6

This Ordinance shall take effect immediately upon its passage.

SECTION 7

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

SECTION 8

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this

Ordinance in and among the records of the City of Hallsville.

**PASSED AND APPROVED, this the _____ day of _____, 2022, by a vote of _____
(ayes)_____ (nays) of the City Council of the City of Hallsville.**

Jesse Casey, Mayor

Laura Welch, City Secretary