

CITY OF MUSTANG RIDGE
ORDINANCE NO. 20-00387

AN ORDINANCE ESTABLISHING REQUIREMENTS AND REGULATIONS FOR LOCATION AND OPERATION OF MOBILE AND MODULAR FOOD ESTABLISHMENTS; ESTABLISHING PENALTY FOR VIOLATION OF THIS ORDINANCE.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSTANG RIDGE, TEXAS THAT:

PART 1: Mobile or Modular Food Establishments

1. Mobile food establishments are either trailers or vehicles offering sale of food items that could be moved from location to location at the option of operators or owners;
2. Modular food establishments are structures which are not vehicular, and which may or may not be permanently affixed to the location offering sale of food items. Modular establishments must have no more than 400 square feet of interior area and may not provide any service within the premises.
3. The term "City" shall mean the City of Mustang Ridge, Texas.
4. The term "City Council" shall mean the governing body of the City of Mustang Ridge, Texas.
5. The term "City Administrator" shall mean the City Clerk of the City of Mustang Ridge, Texas or such other person or entity as is now or hereafter approved by the City Council to act for the City with regard to Mobile or Modular Food Establishments.

PART 2: PERMITS:

1. Any person or entity desiring to operate a mobile or modular food establishment within the City must apply for a permit to operate from the City Administrator on a form provided by the City. Said Application for referenced permit shall be subject to approval by the City Administrator and additionally by the City Council if a special permit is required by this Ordinance or upon appeal of a denial of the permit by the City Administrator. Permits shall be effective for one (1) year and shall be renewed on or before the first anniversary of issuance of each permit or renewal permit.
2. The application for permit must include the following information:
 - a. Name and contact address and telephone numbers for the applicant as well as a copy of the applicant's current and valid government issued identification document including a photograph of the applicant;
 - b. description of type of vehicle or structure to be used for the proposed mobile or modular food establishment; and description of location for proposed food establishment including a drawing or site plan for the location in a form acceptable to City Administrator;

c. Proof of sales tax and use permit;

d. Proof of permit issued by State Department of Health and any other agency requiring permit for such use; All mobile food units and establishments shall have at least one individual who has a valid Food Manager Certification and all of other staff shall possess a valid Food Handlers Card from an approved State of Texas approved course.

e. Evidence of approval by owner of location that such use is permitted by the owner and under what conditions or restrictions;

g. Any other information reasonably required by the City Administrator, including but not limited to the name under which the food vending operation will be operated; if the applicant represents a corporation, association, or partnership, the names and addresses of the officers or partners of said entity; a description of the type of food or the specific foods to be vended;

f. Signature of each applicant affirming the accuracy of the information provided.

PART 3: ZONING REQUIREMENTS:

A. Proposed locations for mobile or modular food establishments must comply with the Zoning Ordinance of the City of Mustang Ridge, Texas.

B. If the proposed location is not in or on a tract being within a zoning district allowing for food service or restaurants, then the food establishment operator or applicant must first appear before the city council to seek a variance or other special use authorization for such use at the proposed location.

C. All mobile or modular food establishments must be located at least 35 feet from any right of way and no less than 50 feet from any residence. Drive up service is prohibited. No less than two marked off-street parking spaces shall be provided on an all-weather surface having sufficient space for adequate vehicular maneuvering. Establishments may have no more than three (3) outdoor tables designed to seat no more than four (4) patrons for the use of patrons.

PART 4: SANITARY REQUIREMENTS

A. Proposed food establishments must comply with the following:

1. All regulations of any State or local agency regulating or licensing the establishment;

2. Have at least one portable toilet (or the documented right to use another toilet located within 300 feet) with a service agreement with the supplier to maintain the toilet or have a self-contained wastewater holding tank that must be emptied by either transporting to an authorized dump station or by being pumped to an authorized hauling vehicle. A copy of all service agreements must be filed with the City and updated at least each year;

3. All heating or other pressurized devices must comply with fire and explosion safety regulations established by the state or City;

4. All liquid or solid waste must be held in a receptacle approved by the State Health Department and, if applicable, the City;

5. Only single service articles for use by the consumer may be used;

6. A person operating a mobile or modular food establishment may not sell any non-food items unless specifically included in the permit from the City and if the permit specifies certain food items the operator may sell no other food items. If within 120 days after receipt of a permit the operator decides to change the non-food items it sells and/or the food items it sells, the operator can file to amend its permit and if the amendment is approved, there shall be no charge for issuance of the amended permit.
7. Each facility requiring a license shall obtain electricity from and be within 50 feet of an individual main-disconnect breaker mounted on a pedestal served by underground wiring.
8. Each facility shall obtain water from and within 50 feet of a hose bib connected directly to a central water supply serving other structures in the City. The hose shall be connected for direct pressure to the facility's plumbing without going through a holding tank.
9. Each facility shall have a dumpster or other trash disposal systems and a grease disposal container. All trash and grease disposal containers shall be emptied on a regular basis and not less than every three (3) days.
10. Each facility must have hot and cold running water and sinks for employees to wash their hands.

**PART 5: OPERATION REQUIREMENTS, SITE DEVELOPMENT STANDARDS,
AND RESTRICTIONS FOR MOBILE FOOD COURTS**

“Mobile food court” shall mean a parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary use, accessory use, and/or temporary use (less than 30 days).

- (A) Mobile food courts shall comply with the following requirements:
- (1) The property must meet all commercial zoning requirements;
 - (2) All mobile food establishments situated on the property shall be located on an impermeable surface such as concrete or rolled asphalt;
 - (3) All mobile food establishments that remain on the property overnight shall have temporary connections for electricity, potable water, and sewage disposal, or a system to adequately provide these services to each mobile food establishment;
 - (4) All mobile food establishments that are unable to comply with the requirements of (A)(3) above shall be removed from the property overnight and serviced by an approved central preparation facility prior to its next day of operation; and
 - (5) A restroom equipped with flush type toilets and properly plumbed to a sanitary sewage system with sufficient capacity to meet the needs of the mobile food court's mobile food establishments and customers shall be available on the property. Restrooms shall be equipped with hand sinks, hot and cold water, and either hand towels or forced air hand dryers.

- (B) No mobile food vendor nor any associated seating areas shall be located in the required landscape buffer.
- (C) All activity must occur on private property, outside of the public right of way.
- (D) There shall be at least three (3) feet of unobstructed clearance between all individual mobile food vendors and all permanent or accessory structures and at least ten (10) feet of unobstructed clearance for mobile food vendors parked side by side.
- (E) Mobile food vendors shall be located on a paved surface or compacted gravel surface.
- (F) Vehicular drive through service of food and/or beverages shall not be permitted.
- (G) Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.
- (H) Electrical service may be provided to mobile food vendors by a permitted electrical connection or on-board generators. When using on board generators, sound absorbing devices shall be used.
- (I) A designated seating area shall be provided for patrons.
- U) Mobile food vendors conducting business at a mobile food court shall have current vehicular registration and shall be in a suitable operating condition for transit.
- (K) Parking requirement for customers is a minimum of two parking spaces per mobile food vendor. Parking requirement for mobile food vendor employees, if they are parking on site, is a minimum of one parking space per mobile food vendor.
- (L) One on premises sign is permitted at the entrance to identify the outdoor food court. It may be illuminated but shall be stationary and non-flashing and comply with any City sign ordinances.
- (M) Each mobile food vendor may have signage attached to their mobile food unit. Also, one temporary sandwich board sign is permitted per mobile food unit within ten (10) feet of the unit and within the boundaries of the mobile food court.
- (N) A site plan should be submitted to the City prior to receiving a permit for operation.
- (O) All applications for a mobile food court shall stipulate the hours of operation.
- (p) Outdoor lighting shall be intended for security and not be allowed to produce light onto adjacent residentially zoned properties.

PART 6: MISCELLANEOUS

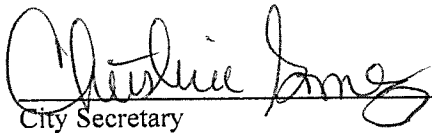
- A. Violation of this ordinance shall cause the individual or entity in violation to be subject to a fine not to exceed \$1,000.00 per each day of violation.
- B. If any part of this ordinance or its application is for any reason held to be unconstitutional, invalid or unenforceable, the unconstitutionality, invalidity, or unenforceability of any such part shall in no way affect, impair, or invalidate the remaining parts of this ordinance, but as to such remaining parts, this ordinance shall remain in full effect.
- C. Because prompt action is in the public interest, this ordinance shall be effective immediately upon its passage, effective as of this date.
- D. The descriptive caption of this ordinance is hereby ordered to be published in the official newspaper of the City of Mustang Ridge immediately.

PASSED by the City Council of Mustang Ridge, Texas, on the 9th day of November, 2020.



David Bunn - Mayor

ATTEST:



Christine Jones
City Secretary

