

## **ARTICLE X. MOBILE AND TEMPORARY FOOD VENDORS**

### **Sec. 35-310. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Food hand cart* means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).

*Mobile Food Unit (food truck, MFU)* means a food or drink vending station operating from a mechanical vehicle or pulled trailer at a fixed location (e.g. taco truck).

*Mobile food vendor* means any person or entity engaged in selling or serving food or drink from a booth or cart, including, but not limited to, operating any of the following:

- (1) Sidewalk stand; or
- (2) Food hand cart.

*Private events* mean any event that is on private property, where admission is closed to the general public and where access and view to the general public is limited, including but not limited to a wedding or family event.

*Sidewalk stand* means a drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way operated by a person under the age of 18, who only offers lemonade (e.g. lemonade stand).

*Temporary food establishment* means a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

### **Sec. 35-311. General prohibition.**

Except where specifically authorized by this article, mobile food vendors of any type are expressly prohibited.

### **Sec. 35-312. Sidewalk stand.**

Sidewalk stands are prohibited. There shall be an exception for temporary lemonade sidewalk stands operated by juveniles, which may be operated without a permit for a single period of up to eight hours, limited to one period within one calendar month.

### **Sec. 35-313. Food hand cart.**

Food hand carts are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved Special Events; and
- (3) Private events (where admission is not open to the general public) on private property.

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## Sec. 35-314. Mobile Food Unit (food trucks).

Mobile Food Units (food trucks) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved Special Events;
- (3) City approved Type C Recurring Special Events; and
- (4) Private events (where admission is not open to the general public) on private property.

The following requirements shall apply to a mobile food units that are specifically permitted under this article:

- (1) Mobile Food Units must have current valid health license and inspections with the City.
- (2) MFUs must be equipped with the following
  - a. **Fire extinguishers.** A minimum of one Class ABC fire extinguisher shall be provided for all mobile food preparation vehicles in accordance with Section 906, as well as a Class K extinguisher that is sized as per Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
  - b. A Type 1 hood installed where cooking operation produce grease-laden vapors, smoke residue, or involve combustible cooking media (vegetable or animal oils and fats).
- (3) Inspection of mobile food units. At the time of the inspection, the mobile food unit shall be completely operable and in full working order.
- (4) Miscellaneous offenses. In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:
  - c. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
  - d. Selling or offering for sale non-food items from the mobile food unit;
  - e. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility), including but not limited to food prepared and/or stored at a home or residential dwelling;
  - f. Displaying, selling, or serving food outside of the mobile food unit;
  - g. Altering the mobile food unit is such a matter that would prevent or otherwise reduce ready mobility;
  - h. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
  - i. Creating/operating a drive-thru in conjunction with the mobile food unit;
  - j. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
  - k. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;

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- l. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
  - m. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
  - n. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.
- (5) MFU may only operate from sunrise until sunset, except for events with extended hours as may be expressly authorized via application and approved by the City.
- (6) MFU may not vend from the second lane of traffic, and may not double park or impede traffic.

### **Sec. 35-315. Mobile Food Unit operating at a Type C Recurring Special Event**

In addition to the regulations contained within this Article, the following actions are conditions and regulations of a Mobile Food Unit operating at a Type C Recurring Special Event, as regulated by Chapter 35, Article XII, Special Events.

- (1) Temporary Food Establishments may not be permitted via a Type C Recurring Special Event
- (2) Mobile Food Units must have a current health license and inspections issued through the City. Only Mobile Food Units that have a current City inspection and current City medallion will be permitted to operate for a Type C Recurring Special Event.
- (3) Mobile food units must be readily moveable at all times. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility is prohibited.
- (4) Mobile Food Units may only operate from sunrise until sunset, except for events with extended hours approved by the City with a special event permit.
- (5) Mobile Food Trucks may not vend from the second lane of traffic, and may not double park or impede traffic.
- (6) There shall be no overnight parking or operation.
- (7) Mobile Food Units shall only operate on approved surfaces (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.

### **Sec. 35-316. Temporary food establishment**

Temporary food establishments are prohibited. There shall be an exception for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property

The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

- (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.

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- (2) Except where only prepackage food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in used before food preparation begins.
  - (3) Except where only prepackaged food is offered, every temporary food establishment must have a three (3) compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.
  - (4) Every temporary food establishment utilizing electricity and/or any type of fire element must have appropriate fire extinguisher. Vendors are not allowed to share.

### **Sec. 35-317. Basic requirements.**

The following requirements shall apply to the mobile food unit vendors and temporary food establishment vendors that are specifically permitted under this article:

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight (8) hours or as long as the city event or city-approved event is ongoing.
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight parking or operation.
- (4) Vehicles and booths must be marked with the vendor's name.
  - (a) No detachable signage shall be permitted for Mobile Food Units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food unit vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
- (6) Vendors may not set up within 100 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten (10) feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including by not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt, or crushed concrete). Food vendors may not operate on grass.
- (9) All vendors must meet minimum food safety standards, including
  - a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
  - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored 6 inches off the ground.
  - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
    - i. Cold Food Holding shall not exceed 41 degrees Fahrenheit
    - ii. Hot Food Holding shall not be less than 135 degrees Fahrenheit

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- d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
  - e. Only single use articles may be provided for use by the consumer.
  - f. All vendors in service for longer than two (2) hours must have access to a toilet facility.
- (10) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:
- a. The nature of the event, which must be open to the general public;
  - b. Whether the organizers are in compliance with all city, county and state laws and regulations;
  - c. Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;
  - d. Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and
  - e. Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

### **Sec. 35-318. Permits and health requirements.**

The following requirements shall apply to the mobile food vendors that are specifically allowed under this article:

- (1) *Health Permit.*
- a. All mobile food units, mobile and stationary, must obtain a permit from the city. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Mobile food unit permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a mobile food unit health permit and inspections. A mobile food unit health permit shall become void upon the closing of the sale of the MFU for which a permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
  - b. All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor-by-vendor and may serve only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
  - c. No person shall operate or cause to be operated any mobile food unit (mobile or stationary) or temporary food establishment which does not possess a valid health permit issued by the city. Any person, firm, or establishment who is found to have operated or caused operation without a valid health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
  - c. Such permit shall be posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a Mobile Food Unit shall be affixed to the truck by the code enforcement officer/health officer. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.

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- d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three (3) inches in height.
  - e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.
- (2) *Health regulations.* All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.
  - (3) *Food preparation.* No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.
  - (4) *Fire Marshals' Office and Vehicle inspections.*
    - a. All mobile vendors must have a City of Manvel Fire Marshal's Office current, passed fire inspection that complies with CODE OF ORDINANCES CITY OF MANVEL, TEXAS, Chapter 17 - BUILDINGS AND BUILDING REGULATIONS, DIVISION 8. - FIRE CODE, Sec. 17-243. - Mobile food units of the as adopted by City of Manvel.
    - b. All mobile vendors must pass a vehicle inspection from the fire marshal's office as part of the city permit process. All vendors must obey and be in compliance with the fire code and all other city codes.
  - (5) *Administrative rules.* The city manager or designee shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law.
  - (6) *Violation.* Anyone who intentionally, willfully, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.
  - (7) *Revocation of health permit.* In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. If requested by the permittee in writing within seven business days of notice of revocation, the city manager or designee shall hear the cause for revocation/suspension/non-renewal and determine whether the grounds for such action are justified. The city manager's (or designee's) decision shall be final. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.