

CITY OF LAVON, TEXAS
ORDINANCE NO. 2020-10-01

Mobile Food Units (MFU) and Mobile Food Parks

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS PROVIDING FOR THE ADOPTION OF CURRENT REGULATIONS AND AMENDMENTS TO THE TEXAS RETAIL FOOD RULES OF THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR MOBILE FOOD UNITS (MFU); PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the rules and regulations for mobile food units (MFUs) are set out in Title 25, Chapter 228.221 of the Texas Administrative Code; and

WHEREAS, the Texas Food Establishment Rules have been amended and updated, and the City Council finds and determines that it is in the best interest of the public health and safety to adopt current rules and regulations governing mobile food units and mobile food parks and establishments and to provide for the automatic adoption of future amendments.

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

SECTION 1. **Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. **Amendment.** The City of Lavon Code of Ordinances, Chapter 7, Health and Sanitation, Article 7.04 Food Establishments is hereby amended by the addition of Section 7.04.003 Mobile Food Units and Mobile Food Parks as set out herein:

Sec. 7.04.003 Mobile Food Units and Mobile Food Parks

(a) **Generally**

The Texas Department of State Health Services “Mobile Food Units” rules and regulations, Title 25, Chapter 228.221 of the Texas Administrative Code, as presently enacted, and as may be amended from time to time are hereby adopted. A copy of such rules shall be maintained in the office of the city secretary.

(b) **Definitions**

(1) **Mobile food unit (MFU)** shall mean 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 and pushcarts) which are used to store,

prepare, display, serve or sell food. Mobile food units must retain their mobility at all times. MFUs are sometimes referred to as Food Trucks or Food Trailers.

- (2) Mobile food park shall mean locations designated for the operation of two or more mobile food units.
- (3) Property owner shall mean a person(s), entity or corporation in whom is vested the ownership or title of real property.
- (4) Stationary Mobile Food Unit shall mean a vehicle that is designed to prepare food on site and remain stationary for extended periods of time.
- (5) Vending Mobile Food Unit shall mean a vehicle that serves prepackaged food and drink and remains stationary for short periods of time to dispense products.
- (6) Special Temporary Permit shall mean a permit issued to a temporary food service provider that does not meet the definition of Stationary or Vending MFU for provision of food service at a single event or one-time operation.

(c) Mobile Food Unit Regulations

- (1) An individual(s) and/or entity(ies) wishing to operate a mobile food unit shall first obtain an annual permit issued by the City of Lavon. The permit fees shall be set annually by the City Council in the Fee Schedule.
- (2) Mobile food units are permitted to be located on a site located in a properly zoned district and approved by the city. Unless otherwise approved in the permit, vending MFUs may not remain stopped for a period of more than 30 minutes in neighborhoods, on any public street, or public right-of-way.
- (3) An operator of a mobile food unit shall not use stakes, rods, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks, or buildings.
- (4) Mobile food units shall not impede access to the entrance or driveway of any adjacent property or building.
- (5) Mobile food units shall not obstruct sight distance for drivers.
- (6) An operator of a mobile food unit is prohibited from using sound systems, bells, or music.
- (7) If the operator of a mobile food unit maintains food at a hot holding temperature by mechanical means, that person shall comply with fire and explosion safety standards established by the Fire Marshal.

- (8) If the operator of a mobile food unit uses a pressurized fuel system or container in conjunction with the mobile food unit, the operator shall comply with fire and explosion safety standards established by the City of Lavon and with all applicable codes.
- (9) All mobile food units shall adhere to the following health and safety requirements:
- (a) All trash and debris generated by customers and the MFU staff shall be collected and deposited in a trash container provided by the mobile food unit and removed daily from the site by the mobile food unit operator.
 - (b) All food, supplies, and related equipment must be stored within the mobile food unit and all food shall be supplied from an approved source.
 - (c) Unless otherwise provided for in the approved permit, a person who operates a mobile food unit may not place food, equipment, or supplies related to its operation outside of the permitted unit and must conduct all of its operational activities within the mobile food unit.
 - (d) The permit holder shall provide consumers with disposable single service articles, such as plastic forks and paper plates.
 - (e) The area in and around each mobile food unit must be kept clean and free of all debris, food, drinks, and any and all trash and/or refuse which may produce an unsightly and/or unsanitary condition.
 - (f) A fire extinguisher shall be located inside each mobile food unit, with said extinguisher being approved by the City of Lavon Fire Marshal.
 - (g) Clean public restroom facilities shall be located within 500 feet from each stationary mobile food unit. The owner(s) and/or entity(ies) must provide documentation to the City of Lavon concerning the availability of such restroom facilities as a condition of the issuance of a permit.
 - (h) A mobile food unit must be at least 100 feet away from the door of a restaurant unless the operator of the mobile food unit has written permission from the affected restaurant.
 - (i) If necessary, to protect against public health hazards or nuisances, the City of Lavon may impose specific requirements in addition to those requirements contained in the City of Lavon's Code of Ordinances.

- (j) Hours of operation for any mobile food unit shall not be permitted between 11:00 p.m. and 7:00 a.m. daily unless a Conditional Use Permit has been granted.
- (k) Stationary mobile food units must be removed from their location daily.
- (l) The operator of a mobile food unit shall demonstrate that the vehicle is readily moveable if requested by the Code Enforcement Officer or their designee.
- (m) Depositing, dumping or release of any grease into the City of Lavon's sanitary sewer system shall be prohibited. Any such act shall be a violation of this article and shall be subject to the issuance of a citation, revocation of the permit and/or injunctive relief by a court of competent jurisdiction.
- (n) Mobile food units may be provided electricity or may use a portable generator as long as it does not create noise nuisance.
- (o) Individual(s) and/or entity(ies) operating a mobile food unit on private property, open space or any City park must have a written agreement authorizing such operation with the owner of the property. Each individual and/or entity operating a mobile food unit shall maintain a copy of the written agreement at their location and produce said agreement to any City Official upon request.
- (p) Stationary mobile food units shall not operate within a residentially zoned area unless approved by the City of Lavon.
- (q) Mobile food units shall have a current Texas food handler permit, Texas food manager's license and a Texas sales tax permit. Evidence of current up to date permits and inspection reports shall be subject to inspections by the City Health Official or their designee at any time.
- (r) Mobile food units shall not provide drive through service of any kind.
- (s) The operation of any mobile food unit shall be subject to inspections by the City Health Official or their designee at any time.
- (t) Any individual(s) and/or entity(ies) obtaining a permit to operate a mobile food unit is prohibited from transferring any such permit.
- (u) One A-frame advertising sign no larger than ten (10) square feet/face in area and four feet (4') in height may be displayed adjacent to the mobile food unit.
- (v) Individual(s) and/or entity(ies) operating a mobile food unit must maintain proof of valid liability insurance prior to the issuance of any City permit. Evidence of

proof of insurance shall be subject to inspections by the City Health Official or their designee at any time.

(w) The City of Lavon mobile food unit permit must be visibly displayed in the unit.

(x) The sale of alcoholic beverages by a mobile food unit shall be subject to city and state regulations.

(d) Mobile Food Park Regulations

(1) A mobile food park shall provide an adequate amount of seating and shaded seating area for patrons.

(2) A mobile food park shall provide five (5) parking spaces for each mobile food unit and shall provide handicapped parking in accordance with the City of Lavon Code of Ordinances.

(3) A mobile food park shall provide adequate lighting.

(4) A mobile food park shall be allowed one A-frame advertising sign for the mobile food park subject to the City's sign regulations.

(5) A mobile food park shall, at all times, have a manager and/or an individual with authority to speak and make decisions on behalf of the mobile food park and any and all vendors operation within said park.

(6) A certificate of occupancy issued by the City of Lavon must be obtained prior to operation of a mobile food park.

(7) A mobile food park shall have clean portable restrooms and portable hand washing stations if not located within five-hundred feet (500') of public restrooms. The owner(s) and/or entity(ies) shall provide documentation to the City of Lavon concerning the availability of such restroom facilities prior to the issuance of a permit.

(8) A mobile food park must be at least one-hundred feet (100') away from the door of a restaurant unless the operator of the mobile food park has written permission from the affected restaurant. The distance shall be measured from the park's closest property line.

(e) Zoning

(1) Unless otherwise approved by the Mayor, a mobile food park shall be permitted to operate in non-residentially zoned districts.

- (2) The operation of a mobile food park shall require a conditional use permit issued by the City of Lavon.
- (3) The operation of a mobile food park shall require a site plan approved by the City of Lavon.
- (4) City-sponsored events may be exempt from this article.

SECTION 3. Severability Clause

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. Cumulative/Repealer Clause

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Lavon, Texas, whether codified or uncoded, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

SECTION 5. Penalty Clause

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Lavon, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. Savings Clause

Should any word, phrase, sentence, or section contained herein be found to be invalid, such validity shall not affect any other portion of this ordinance.

SECTION 7. Effective Date

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 6th day of October 2020.



Vicki Sanson
Mayor

ATTEST:



Rae Norton
City Secretary