

ORDINANCE NO. 861

**AN ORDINANCE OF THE CITY OF JOURDANTON, TEXAS, AMENDING THE JOURDANTON CODE OF ORDINANCES CHAPTER 6 HEALTH AND SANITATION ARTICLE 6.03 FOOD SERVICE ESTABLISHMENTS BY ADDING DIVISION 2 MOBILE FOOD VENDORS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the current Code of Ordinances and have recommended certain revisions and updates to Chapter 6 to regulate mobile food vendors;

**WHEREAS**, the City Council is authorized to adopt regulations that protect the health safety and welfare of the public; and,

**WHEREAS**, the City Council has previously held a workshop to receive input from the general public, including mobile food vendors and restaurant owners; and

**WHEREAS**, the City Council after considering the criteria and recommendation by the staff and input from the public, has determined that the proposed amendments are appropriate and in the interest of the public safety, health and welfare.

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

**Section 1. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**Section 2. Adoption.** The City Council of the City of Jourdanton, Texas hereby amends the City of Jourdanton Code of Ordinances CHAPTER 6 HEALTH AND SANITATION ARTICLE 6.03 FOOD SERVICE ESTABLISHMENTS BY ADDING DIVISION 2 MOBILE FOOD VENDORS as set forth in the attached "Exhibit A".

**Section 3. Savings Clause.** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Jourdanton under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

**Section 4. Cumulative.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**Section 5. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid

## EXHIBIT A

ADD

### CHAPTER 6 HEALTH AND SANITATION

#### ARTICLE 6.03 FOOD SERVICE ESTABLISHMENTS

##### DIVISION 2 MOBILE FOOD VENDORS

###### Sec. 6.03.020 Mobile Food Vendors

Mobile food vendors are prohibited within the City except as otherwise provided for herein.

###### Sec. 6.03.021 Definition

Mobile food vendors (MFV). Any business which sells edible goods from a nonstationary location within the city. The term shall include:

- (1) Concession trailer. A vending unit which is pulled by a motorized unit and has no power to move on its own.
- (2) Concession carts. Mobile vending units that must be moved by nonmotorized means.
- (3) Mobile food truck. A self-contained motorized unit selling items defined as edible goods.
- (4) Owner. As used herein, and for the purpose of obtaining permits or receiving citations, includes any persons or persons with apparent care custody or control of the MFV or property upon which it is located

###### Sec. 6.03.022 Plans, documentation, permits and inspections

- (a) Submission of plans. Plans shall be submitted to the city manager for new construction, renovation or the conversion of a unit to a mobile food unit. Plans should show the equipment layout, and the arrangement and construction material of the inside of the unit, including food preparation, storage, and window service areas.
- (b) Required documentation. To obtain a MFV permit, a MFV must submit a list of foods and beverages to be served on the unit, stating the source of the item and when and where it will be prepared. Additionally, a MFV may only locate on property for which the property owner has obtained a special use permit for hosting a mobile food vendor.
- (c) Permit. It shall be unlawful for any person to operate a mobile food unit without having obtained a permit issued by the city. Permits may be purchased monthly for up to one year from the date of issuance.
- (d) Inspections. Mobile food units may be inspected at any time by the code enforcement officer, fire marshal, or county health authority.

###### Sec. 6.03.023 Locations permitted

- (a) Private property zoned for a commercial use. A MFV may only locate on property zoned for a commercial use for which the property owner has obtained a special use permit as set forth in Chapter 14.
- (b) No public streets. A MFV is prohibited from operating on a public street or within the public right of way.

(c) Special event exception. A MFV permit may be issued by the city manager for temporarily locating within the public right of way, within a public park or facility, or in the absence of a special use permit when such issuance is in conjunction with a special event of limited duration.

**Sec. 6.03.024 Certified food manager required**

A certified food manager must be present at the mobile food unit during each day of operation.

**Sec. 6.03.025 Food protection**

(a) Food source and food protection.

(1) All food sold on the unit must be either prepared on the unit or at an approved, permitted food establishment. Food may not be prepared at home; food offered for sale must comply with labeling laws where applicable; food shall be in sound condition, free of spoilage, filth, or any other contamination and shall be safe for human consumption.

(2) Only ice that has been made from potable (drinking) water shall be used or offered for sale.

(3) Ice intended for human consumption shall be used to cool foods, food containers, or food utensils. Ice used for cooling stored foods and food containers shall not be used for human consumption.

(4) Food, whether raw or prepared, if removed from the original package or container, shall be stored in a clean, covered, impervious and nonabsorbent container, except during periods of preparation or service. Solid cuts of meat shall be protected by being covered during storage.

(5) Containers of food shall be stored at least 6 inches above the floor in a manner that protects food from splash and contamination and permits easy cleaning of the floor.

(6) No food can be stored in toilet rooms or vestibules.

(7) No food, including packaged foods, shall be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.

(8) Conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure that potentially hazardous foods are maintained at 41°F or below.

(9) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to internal temperatures of 41°F or below. Potentially hazardous foods shall not be prepared in quantities so large that rapid cooling will not be possible.

(10) Stored frozen foods shall be kept frozen.

(11) The internal hot holding temperature of potentially hazardous food shall be 135°F or above except during necessary periods of preparation. Each hot storage unit must have an accurate thermometer available.

(12) Live or dead fish bait shall be stored separately from food or food products.

(13) A product (stem type) thermometer is needed to check internal temperatures of potentially hazardous foods.

(b) Utensils. Only single service (plastic or paper) utensils, tableware, plates, etc., shall be used.

(c) Insect and rodent control. All mobile food units shall be constructed in such a manner as to prevent the entrance of flies, dust, dirt, or other foreign matter. Mobile food units must be provided with tightfitting solid or screened doors or windows.

- (d) Floors.
  - (1) Floors shall be constructed of smooth, easily cleanable materials such as ceramic tile, linoleum, or laminated wood.
  - (2) Sawdust, wood shavings, peanut hulls, etc., are prohibited.
  - (3) Mats and duckboards shall be nonabsorbent and cleaned daily.
- (e) Walls and ceilings.
  - (1) Walls and ceilings shall be light colored, smooth, nonabsorbent and easily cleanable.
  - (2) Food preparation areas shall be well lit.
  - (3) All lights in food preparation areas must be shielded.
- (f) Ventilation. The ventilation system shall be installed and operated according to the Texas Food Establishment Rules and the city's adopted building codes.
- (g) Animals. Live animals shall be excluded from the surrounding areas of all mobile food units.
- (h) Cleaning and sanitization of equipment; hand lavatory.
  - (1) A two-compartment sink with hot and cold running water under pressure is required; however, a three-compartment sink is recommended.
  - (2) The hand lavatory must be accessible and convenient.
- (i) Fresh water and wastewater systems.
  - (1) All mobile food units must have potable (drinking) water and the storage of potable water must be according to law.
  - (2) All mobile food units must have hot and cold running water under pressure. Hot water at a temperature of at least 100°F shall be provided to all fixtures at all times while the unit is in operation.
  - (3) Fresh water must be provided in a self-contained system within the mobile food unit. Water may not be supplied to the mobile food unit by running hoses from an establishment to the unit.
  - (4) The water inlet shall be capped when not being used to fill a water tank.
  - (5) Wastewater shall be stored in a permanently installed retention tank that is sized at least 15% larger in capacity than the water supply tank and is sloped to drain. The drainpipe must be at least 25 millimeters (1 inch) in inner diameter or greater and equipped with a shutoff valve.
  - (6) Wastewater must be disposed of by a sewage transport vehicle, and under no circumstances shall wastewater be disposed in the municipal wastewater system.

#### **Sec. 6.03.026 Vehicle or unit requirements**

- (a) All mobile food units shall be readily identifiable by business name, printed in bold letters not less than 3 inches in height, not less than one and one-half inches in width, permanently affixed, and prominently displayed upon at least 2 sides of the unit.
- (b) All mobile food units shall maintain a current state motor vehicle inspection sticker and a current state motor vehicle license plate registration sticker.
- (c) All mobile food units must be readily movable (capable of moving immediately upon the

request of the code enforcement officer).

(d) MFVs who only sell prepackaged goods on their mobile food units shall not remain parked in one location for longer than three (3) hours. No time restriction shall apply for MFVs who prepare food on their mobile food unit.

**Sec. 6.03.027 Prepackaged sales**

(a) Applicability to prepackaged sales. For MFVs who only sell prepackaged goods on their mobile food units, the only subsections of this section that apply are those relative to:

- (1) Submitting plans;
- (2) Required documentation;
- (3) Initial inspection of the mobile food unit;
- (4) Permits;
- (5) Inspections;
- (6) Food source and food protection when applicable, as determined by the code enforcement officer;
- (7) Insect and rodent control;
- (8) Animals;
- (9) Freshwater and wastewater systems, when applicable, as determined by the code enforcement officer; and
- (10) Vehicle requirements.

**Sec. 6.03.028 Trash and other facilities**

(a) Restroom access and trash receptacles. MFVs who prepare food on their mobile food unit shall:

- (1) Provide one or more trash receptacles for disposal of waste from customers, and shall provide for the disposal of such waste; and
- (2) Provide access to restroom facilities for customers within 300 feet of the mobile food unit.

**Sec. 6.03.029 Parking requirements**

Before a special permit may be issued to locate a MFV on a property zoned for a commercial use, the applicant must provide a parking plan that demonstrates that the MFV may be accommodated on the subject property without negatively impacting adjacent property owners or necessitating street parking.

**Sec. 6.03.029 Penalties**

In addition to the general penalties established for violations of the city code as set forth in Sec. 1.01.009, any violation of this article may result in immediate revocation of any MFV permit and any special use permit. Any citation may be issued to either the operator of the MFV or the owner of the property upon which the MFV is located in violation of this article.

by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

**Section 6. Proper Notice and 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, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**Section 7. Effective Date.** This Ordinance will take effect upon its adoption by the City Council and any publication required by law

**PASSED AND APPROVED** this 21<sup>st</sup> day of March 2022.

CITY OF JOURDANTON, TEXAS

By: *Robert A. Williams*  
Robert A. Williams, Mayor

ATTEST:

*Debbie Molina*

Debbie Molina, City Secretary

