

**ARTICLE 4.09**  
**MOBILE FOOD UNITS AND MOBILE FOOD PARKS**

**§ 4.09.001. Definitions.**

Mobile food park. Locations designated for the operation of two or more mobile food units.

Mobile food unit. Vehicle(s) that is designed to be readily movable from which food is sold or served. The term includes, but is not limited to, a commercial and manufactured vehicle that was originally manufactured for use as a food preparation vehicle.

( Ordinance O-2023-0314-A adopted 3/14/2023 ; Ordinance O-2023-0919-A adopted 9/19/2023 )

**§ 4.09.002. Regulations.**

- (a) Any and all individual(s) and/or entity(ies) wishing to operate a mobile food unit shall first obtain a permit issued by the city. A permit may be obtained through the city secretary's office. The amount for said permit shall be listed in appendix A of this code.
- (b) Any and all mobile food units shall be located on a site approved by the city, with said site being located in a proper zoning district as referenced in section 4.09.003 of this article.
- (c) Mobile food unit(s) shall not be parked on an unimproved surface and at a minimum be parked on compacted gravel.
- (d) Mobile food unit(s) shall be removed from approved locations daily. Each mobile food unit shall report to its designated commissary at least once a day for food, supplies, cleaning and servicing as required by NET Health or successor.
- (e) Any and all mobile food units operating within the city limits must adhere to the following health and safety requirements:
  - (1) A self-closing trash receptacle must be next to each unit of sufficient size to accommodate trash and refuse that may be reasonably expected to be produced by the sale of the food product(s) produced by each mobile food unit.
  - (2) 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.
  - (3) All mobile food unit(s) shall comply with city mobile food vendor requirements and provide fire prevention tools as required by the city's fire marshal.
  - (4) Restroom facilities shall be located within a distance of 500 feet from each mobile food unit or mobile food park. The owner(s) and/or entity(ies) must provide documentation to the city concerning the availability of such restroom facilities prior to the issuance of a permit.
  - (5) All mobile food unit(s) must be at least 300 feet from the door of a restaurant. Mobile food parks shall be measured from the park's closest property line. Should

the distance be closer than 300 feet, the mobile food unit or mobile food park must have written permission from the affected restaurant.

- (f) Any and all mobile food unit(s) must be removed from their location daily.
- (g) Any unauthorized connection to the city's public water system and/or the dumping or release of grease into the city'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 and/or injunctive relief by a court of competent jurisdiction.
- (h) Any connection to utilities such as: electricity, potable water, or sewer is prohibited unless located operating under a city special event permit, at an approved food truck park in accordance to the park's rules or while the mobile food unit is being serviced or stored at its permitted central preparation facility.
- (i) Any and all individual(s) and/or entity(ies) operating a mobile food unit on private property or any city park must have a written agreement authorizing such operation with the landowner or city. 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.
- (j) Any and all mobile food units operating within the city limits shall not operate a mobile food establishment without a valid permit or license to operate issued by the regulatory authority which is the Northeast Texas Public Health District (NET Health) (reference TFER 228.247).
  - (1) Have a state sales tax ID (NET Health requires this or proof of nonprofit status for as a prerequisite to obtaining a food permit).
  - (2) Certified food manager certification. At least one certified food manager must be present during all hours of operation at each permitted food establishment (reference NET Health District Order 2016-2).
  - (3) Food handler certification. All food employees shall successfully complete an accredited food handler training course, within 60 days of employment (reference TFER 228.33(d)).
- (k) The operation of any mobile food unit located in the city limits shall be subject to inspections by city officials at any time.
- (l) Any individual(s) and/or entity(ies) obtaining a permit to operate a mobile food unit within the city limits is prohibited from transferring any such permit received.
- (m) One advertising sign shall be allowed for each mobile food unit.
- (n) Any individual(s) and/or entity(ies) operating a mobile food unit must have passed all NET Health inspections prior to the issuance of any city permit. Evidence of up-to-date and valid inspections must be maintained and produced should the renewal of a mobile food unit city permit be requested and/or desired.
- (o) A certificate of occupancy issued by the city must be obtained prior to operating any

mobile food unit park.

(p) A mobile food park shall be allowed one advertising sign for the mobile food park.

(q) A mobile food park shall provide a shaded eating area for patrons.

( Ordinance O-2023-0314-A adopted 3/14/2023 ; Ordinance O-2023-0919-A adopted 9/19/2023 )

**§ 4.09.003. Zoning and location.**

(a) Any and all mobile food units shall operate within the following zoning districts for the city:

(1) Retail/office (B-1);

(2) General business (B-2).

(b) Any and all mobile food parks shall operate within the following zoning districts for the city:

(1) Retail/office (B-1);

(2) General business (B-2);

(3) Residential (R-1);

(c) The operation of a mobile food park shall require either a specific use permit or a temporary use permit issued by the city.

(d) A pre-approved site plan shall be required for any mobile food park operating within the city limits.

(e) Mobile food units shall only operate with curbside service on a city street under the following conditions:

(1) Active construction site(s) during hours of active construction.

(2) On a street with a designated speed limit of 30 MPH or less.

(3) No closer than 50' from an intersection.

(4) In a manner that does not impede traffic circulation nor impairs the safety of the public including but not limited to infringing upon sight visibility.

(5) Must comply with noise regulations in section 8.02.004.

(6) If a homeowner's association is applicable the HOA must give written permission to be in the subdivision.

(7) Mobile food unit's operating along State Hwy 31 shall be in a mobile food park or other location with adequate ingress and egress as approved by the fire marshal and city administrator.

( Ordinance O-2023-0314-A adopted 3/14/2023 ; Ordinance O-2023-0919-A adopted 9/19/

2023 )

**§ 4.09.004. Old main street district.**

The city council may issue a blanket peddler/vendor permit for food trucks to a property/business owner which is located on Main Street in the Old Main Street District and can certify that all stated requirements listed in section 4.04.012(d) can be met. The person owning and managing the property granting such permission, along with the itinerant merchant, will be collectively and individually responsible for compliance with the adopted zoning codes, as well as, all other regulatory provisions of the city or state. No other individual vendor permits or temporary sales permits will be required. However, all vendors must receive a safety and compliance inspection from the city.

( Ordinance O-2023-0314-A adopted 3/14/2023 ; Ordinance O-2023-0919-A adopted 9/19/2023 )

**§ 4.09.005. Waivers.**

Fees and application process may be waived by the city manager and his/her designee when finding that the waivers shall serve an economic development or municipal purpose that promotes the best interest of the citizens of the city. Vendors that qualify for waiver must provide NET Health permits and certifications to the city prior to the event.

( Ordinance O-2023-0314-A adopted 3/14/2023 ; Ordinance O-2023-0919-A adopted 9/19/2023 )

**§ 4.09.006. Penalty.**

Any individual(s) and/or entity(ies) that violates any regulation, term or condition of this article may receive a citation, which shall be a class C misdemeanor. Should the individual(s) and/or entity(ies) receiving such citation be found guilty of said violation, a fine not to exceed \$2,000.00 may be imposed.

( Ordinance O-2023-0314-A adopted 3/14/2023 ; Ordinance O-2023-0919-A adopted 9/19/2023 )