

ORDINANCE NUMBER 2017-00-26 A

AN ORDINANCE ESTABLISHING REGULATIONS FOR MOBILE FOOD UNITS AND MOBILE FOOD PARKS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mineola, Texas is a Type A general law municipality organized and existing pursuant to the laws of the State of Texas; and

WHEREAS, the City is authorized by state law to pass ordinances that further the health, safety and general welfare of its citizenry; and

WHEREAS, the City has determined that Mobile Food Units and Mobile Food Parks, when properly regulated, can provide its citizenry with another retail food option; and

WHEREAS, the City hereby passes this Ordinance regulating Mobile Food Units and Mobile Food Parks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINEOLA, TEXAS, ASFOLLOWS:

**SECTION I
DEFINITIONS**

A. *Mobile Food Unit* shall mean 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.

B. *Mobile Food Park* shall mean locations designated for the operation of two or more Mobile Food Units.

**SECTION II
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 of Mineola. A permit may be obtained through the Mineola City Secretary's Office. The amount for said permit shall be **\$150.00 annually**.

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 III of this Ordinance.

C. Any and all Mobile Food Units operating within the city limits must adhere to the following health and safety requirements:

(i) 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.

(ii) 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.

(iii) A fire extinguisher shall be located inside each Mobile Food Unit, with said extinguisher being approved by the City of Mineola Fire Marshal.

(iv) Permanent restroom facilities shall be located within a distance of 300 feet from each Mobile Food Unit or Mobile Food Park. The owner(s) and/or entity(ies) must provide documentation to the City of Mineola concerning the availability of such restroom facilities prior to the issuance of a permit.

(v) All Mobile Food Unit(s) must be at least 100 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 100 feet, the Mobile Food Unit or Mobile Food Park must have written permission from the affected restaurant.

D. Hours of operation for any Mobile Food Unit(s) shall be from 7:00 a.m. to 11:00 p.m. daily. Any and all Mobile Food Unit(s) must be removed from their location daily.

E. Any and all Mobile Food Units must be located in an approved zoning area of private property or a Mobile Food Park. Under no circumstance will a Mobile Food Unit be allowed on any public street or public right-of-way.

F. Any unauthorized connection to the City of Mineola's public water system and/or the dumping or release of grease into the City of Mineola's sanitary sewer system shall be prohibited. Any such act shall be a violation of this Ordinance, and shall be subject to the issuance of a citation and/or injunctive relief by a court of competent jurisdiction.

G. All Mobile Food Units may be provided electricity or may use portable generators as long as it does not create noise issues within the area it's located.

H. 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.

I. Any and all Mobile Food Units operating within the City of Mineola city limits shall have a State Food Handler permit, State Mobile Unit Food Establishment permit, State Food Manager's license and a sales tax permit.

J. The operation of any Mobile Food Unit located in the City of Mineola city limits shall be subject to inspections by city officials at any time.

K. Any individual(s) and/or entity(ies) obtaining a permit to operate a Mobile Food Unit within the city limits of Mineola is prohibited from transferring any such permit received.

L. One advertising sign shall be allowed for each Mobile Food Unit.

M. Any individual(s) and/or entity(ies) operating a Mobile Food Unit must have passed all Texas Department of State Health Services 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.

N. A Certificate of Occupancy issued by the City of Mineola must be obtained prior to operating any Mobile Food Unit Park.

O. Any Mobile Food Park operating inside the city limits 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 operating within said 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.

R. City Approved Events will be exempt from this ordinance.

SECTION III ZONING AND LOCATION

A. Any and all Mobile Food Units and/or Mobile Food Parks shall operate within the following zoning districts for the City of Mineola:

- (i) C-1 - (Local Business);
- (ii) C-2 - (General Business);
- (iii) I - (Industrial).

B. The operation of a Mobile Food Park shall require a specific use permit issued by the City of Mineola.

C. A pre-approved site plan shall be required for any Mobile Food Park operating within the city limits.

D. Any Mobile Food Units and/or Mobile Food Parks located within the Heritage Preservation Overlay District must obtain approval from the Mineola Landmark Commission prior to operation.

**SECTION
IV
PENALTY**

Any individual(s) and/or entity(ies) that violates any regulation, term or condition of this Ordinance 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 may be imposed.

**SECTION V
SEVERABILITY**


Should any sentence, clause, section or regulation of this Ordinance be found invalid and/or unenforceable by a court of competent jurisdiction, said findings shall not affect the remaining sentences, clauses, sections or regulations of this Ordinance.

**SECTION VI
EFFECTIVE DATE**

This Ordinance shall become effective upon its passage and approval by the City of Mineola City Council, and its publication as required by law.

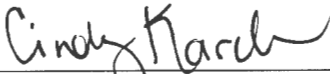
PASSED AND APPROVED by the City Council, City of Mineola, Texas, this 26th day of JUNE 2017.

APPROVED BY:



Kevin White, Mayor

ATTEST:



Cindy Karch, City Secretary