



**ORDINANCE NO. 20-0908-01**

**AN ORDINANCE AMENDING ORDINANCE 19-1022-01 PASSED 10-22-19 ESTABLISHING REGULATIONS FOR MOBILE FOOD UNITS AND MOBILE FOOD PARKS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A WAIVER; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Whitehouse, Texas is a Home Rule municipality; 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 WHITEHOUSE, TEXAS, AS FOLLOWS:**

**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 Whitehouse. A permit may be obtained through the Whitehouse City Secretary's office. The amount for said permit shall be \$200.00 per year.
- 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. 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:
- (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) All Mobile Food Unit(s) shall comply with City of Whitehouse Mobile Food Vendor requirements and provide fire prevention tools as required by the City of Whitehouse Fire Department.
  - (iv) Permanent 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 of Whitehouse concerning the availability of such restroom facilities prior to the issuance of a permit.
  - (v) 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 and all Mobile Food Units must be located on 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.
- H. Any unauthorized connection to the City of Whitehouse's public water system and/or the dumping or release of grease into the City of Whitehouse'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.
- I. Any connection to utilities such as: electricity, potable water, or sewer is prohibited unless located operating under a City of Whitehouse 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
- J. 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.
- K. Any and all Mobile Food Units operating within the City of Whitehouse 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)

- a. have a Texas Sales Tax ID. (NET Health requires this or proof of Nonprofit status for as a prerequisite to obtaining a food permit)
  - b. have verification of having filed with the Smith County Clerk to conduct business in Smith County (proof of ownership in form of Smith County DBA for sole proprietors and partnerships or Certificate of Formation for corporations).
  - c. 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)
  - d. 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))
- L. The operation of any Mobile Food Unit located in the City of Whitehouse city limits shall be subject to inspections by city officials at any time.
- M. Any individual(s) and/or entity(ies) obtaining a permit to operate a Mobile Food Unit within the city limits of Whitehouse is prohibited from transferring any such permit received.
- N. One advertising sign shall be allowed for each Mobile Food Unit.
- O. 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.
- P. A Certificate of Occupancy issued by the City of Whitehouse must be obtained prior to operating any Mobile Food Unit Park.
- Q. 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.
- R. A Mobile Food Park shall be allowed one advertising sign for the Mobile Food Park.
- S. A Mobile Food Park shall provide a shaded eating area for patrons.

### **SECTION III ZONING AND LOCTION**

- A. Any and all Mobile Food Units and/or Mobile Food Parks shall operate within the following zoning districts for the City of Whitehouse:
- (i) Retail/Office High Intensity (C-H);
  - (ii) Retail/Office Medium Intensity (C-M);
  - (iii) Retail/Office Low Intensity (C-L);

- (iv). Light Industrial – Business Park (LI-BP).
- B. The operation of a Mobile Food Park shall require either a specific use permit or a temporary use permit issued by the City of Whitehouse.
- C. A pre-approved site plan shall be required for any Mobile Food Park operating within the city limits.

**SECTION IV 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 Whitehouse. Vendors that qualify for waiver must provide NET Health permits and certifications to the City of Whitehouse prior to the event.

**SECTION V 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 VI 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 VII EFFECTIVE DATE**

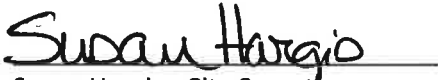
This Ordinance shall become effective upon its passage and approval by the City of Whitehouse City Council, and its publication as required by law.

**Passed and Approved by Whitehouse City Council this 8<sup>th</sup> day of September 2020.**



Charles Parker - Mayor

**Attested by:**



Susan Hargis - City Secretary