

ORDINANCE NUMBER 2024-109

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GRAND SALINE, TEXAS 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 Grand Saline, 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 FOR THE CITY OF GRAND SALINE, 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 Grand Saline. A permit may be obtained through the Grand Saline City Secretary's office. The amount for said permit shall be \$250.00/per occurrence.
- B. Permits shall not be required for Mobile Food units operating at the following locations or as part of the following events:
 - 1. Churches
 - 2. Property of Grand Saline Independent School District

3. Grand Saline City Park when providing services as part of an event operated and managed by the Grand Saline Youth Foundation
 4. Festivals and events sponsored by the City of Grand Saline
- C. Any and all Mobile Food Units shall be located on a site approved by the City.
- D. 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 Grand Saline 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 Grand Saline 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.
- E. Hours of operation for any Mobile Food Unit(s) shall be from 9:00 a.m. to 7:00 p.m. Any and all Mobile Food Unit(s) must be removed from their location daily.
- F. 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.
- G. Any unauthorized connection to the City of Grand Saline's public water system and/or the dumping or release of grease into the City of Grand Saline'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.

- H. All Mobile Food Units shall be provided electricity. No portable generators shall be allowed.
- 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 of Grand Saline 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.
- K. The operation of any Mobile Food Unit located in the City of Grand Saline 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 of Grand Saline 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 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.
- O. A Certificate of Occupancy issued by the City of Grand Saline must be obtained prior to operating any Mobile Food Unit Park.
- P. 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.
- Q. A Mobile Food Park shall be allowed one advertising sign for the Mobile Food Park.
- R. A Mobile Food Park shall provide a shaded eating area for patrons.
- S. Mobile Food Units shall collect and remit all sales tax applicable to sales of any food or good sold as required by law.

SECTION III 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 IV 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 V EFFECTIVE DATE

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

PASSED AND APPROVED by the City Council, City of Grand Saline, Texas, this 21 day of May, 2024.

APPROVED BY:

Leah Erwin
Leah Erwin, Mayor Pro-Te,

ATTEST:

Beverley Pearson
Beverley Pearson, City Secretary

