

ORDINANCE NO. 4329

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 12, SECTION 12-121, AMENDING THE REGULATIONS FOR MOBILE VENDORS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Richardson, Texas, be and the same is hereby amended by amending Chapter 12, Section 12-121, in part, by amending the regulations for mobile vendors, to read as follows:

**"CHAPTER 12 – LICENSES, TAXATION AND
MISCELLANEOUS BUSINESS REGULATIONS**

...

Sec. 12-121. - Sale of merchandise on public right-of-way, city parks; mobile vendors.

- (a) It shall be unlawful for any person to peddle, solicit, sell, offer for sale, or exhibit for sale, any merchandise or items of value upon any public sidewalk, street, street right-of-way, parkway or other public right-of-way, except that it shall be lawful for that person to engage in mobile vending operations involving food products upon any street, public street, street right-of-way, or sidewalk provided such person has obtained a solicitor's permit from the Police Department and a health permit from the city's director of health under the conditions set forth in this section.
- (b) No person shall engage in or attempt to engage in any mobile vending operation involving food products unless such person has in his immediate possession a valid solicitor's permit and health permit issued to him by the city.
- (c) No person shall engage in or attempt to engage in any mobile vending operation involving food products unless the vehicle is constructed and operated in accordance with the Texas Food Establishment Rules.
- (d) No person shall engage in or attempt to engage in any mobile vending operation involving food products unless proof of access to a commissary or central preparation facility is provided on demand.

- (e) Any person engaged in or attempting to engage in mobile vending operation involving food products shall comply with the City Fire Code.
- (f) Any person engaged in or attempting to engage in any mobile vending operation involving food products shall ensure that all food preparation, cooking, service, or other food service-related activities take place within the confines of the vehicle.
- (g) No person shall engage in or attempt to engage in any mobile vending operation involving food products on any public street which is not residential in character, on any street which includes four or more marked traffic lanes.
- (h) Any person engaged in or who attempts to engage in mobile vending operations involving food products on any public street which is residential in nature shall stop his motor vehicle only in immediate response to a direct request from a potential customer and for a period not to exceed 15 minutes.
- (i) Any person engaged in or attempting to engage in mobile vending operations involving food products on private property, exclusive of those operating in conjunction with duly permitted temporary or special events, open air markets, or food truck parks, shall:
 - (1) only engage in mobile vending operations in areas which are non-residential in nature, and shall include, but is not limited to, areas used for non-residential purposes and any areas with any one or more of the following zoning district classifications: LRM(1), LR-M(2), C-M, O-M, I-M(1), I-M(2), IP-M(1), I-FP(1), I-FP(2), TO-M, and PD.
 - (2) only do so as an accessory use to the primary uses located on the same property, and as such, shall, to the extent practicable, locate and orient the vehicle and appurtenances on-site in a manner that clearly serves employees and patrons of the primary use of the property and not to attract or solicit business from neighboring streets or the public in general.
 - (3) do so only from a motorized vehicle.
 - (4) vend between the hours of 7:00 a.m. to 6:00 p.m. only unless otherwise approved by the Director of Health or his designee. Such approval by the Director of Health shall, however, be limited to hours of operation of the primary use located on the same property.
 - (5) be allowed to utilize temporary tables and chairs placed on the non-residential property in close proximity to the motor vehicle for a period of time not to exceed eleven (11) consecutive hours.
 - (6) comply with all sign ordinance regulations and be prohibited from erecting, placing or displaying any signage, including animated or electronic messaging signs except:

- (a) non animated, non-electronic messaging signage which is permanently attached to the motorized vehicle;
 - (b) menu board signs, 8 square feet in area or smaller, placed within ten feet of the motorized vehicle on private property.
- (7) demonstrate that the motorized vehicle is moveable and operable upon demand by the city.
- (8) not alter or modify the motorized vehicle or the premises adjacent to the motorized vehicle that would prevent the operation or mobility of the motorized vehicle from which the mobile vending operation is conducted.
- (9) have access to restrooms within 1000 feet of the vending location to be utilized for both the vendor and patrons.
- (10) obtain and maintain written consent from the property owner or property manager and provide written proof thereof upon demand of the city.
- (11) not be permitted to have more than two (2) mobile food vendors conducting mobile vending operations at any one time on private property that is non-residential in nature.
- (j) Notwithstanding the provisions of this section, a person may sell or offer for sale any food, drinks, confections, merchandise or services within the limits of any city park if such person has a written agreement or a permit issued by the Director of Parks and Recreation.
- (k) Any property owner wishing to host mobile food vendors on their property and allow them to operate outside the parameters list in 12-121 (i) (1-11) shall only do so on properties where City Council has approved a Special Permit for that express purpose."

SECTION 2. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part

so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 27th day of January 2020.



APPROVED:

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY
(PGS:1-17-20:TM 113118)

CORRECTLY ENROLLED:

CITY SECRETARY