

ORDINANCE NO. 2014-O-04A

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARBLE FALLS, AMENDING THE TEMPORARY USE REGULATIONS, REMOVING TEMPORARY USE SECTIONS 905-919 FROM APPENDIX B, LAND USE REGULATIONS; ADDING TEMPORARY USES TO CHAPTER 5 AMUSEMENTS AND ENTERTAINMENTS; CHANGING THE CHAPTER TITLE AND CREATING ARTICLE 4 TEMPORARY USES, WITH THE ADDITION OF SUPPLEMENTAL REQUIREMENTS FOR TEMPORARY USES INCLUDING BUT NOT LIMITED TO FARMERS MARKETS, FLEA MARKETS, AND MOBILE FOOD VENDING COURTS; AND AMENDING ANY CONFLICTING REGULATIONS BETWEEN CARNIVALS, SPECIAL EVENTS, AND TEMPORARY USES WITHIN THE CHAPTER; SPECIFYING ACTION REQUIREMENTS AND PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR SEVERABILITY; AND REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS the City of Marble Falls is legally empowered to regulate development in the community through the legitimate use of its police powers; **AND**,

WHEREAS, the City Council of the City of Marble Falls is legally empowered to amend the land use regulations to provide for changes and additions to permitted uses, conditional uses, and site development regulation; **AND**,

WHEREAS, the City Council desires to provide amendments to Appendix B Land Use Regulations, Temporary Use Regulations, by removing Sections 905 through 919 from Appendix B and replacing said Sections into Chapter 5 Amusements and Entertainments, changing the Chapter title and creating Article 4. Temporary Uses, with the addition of supplemental requirements for temporary uses, and amending any conflicting regulations between carnivals, special events and temporary uses within the Chapter; **AND**

WHEREAS, the City of Marble Falls Planning & Zoning Commission at a public hearing on March 6, 2014 recommended approval of text amendments to the above referenced regulations; **AND**

WHEREAS, the City Council is authorized to make changes to Appendix B Land Use Regulations, Temporary Use Regulations, by removing Sections 905 through 919 from Appendix B and replacing said Sections into Chapter 5 Amusements and Entertainments, changing the Chapter title and creating Article 4. Temporary Uses, with the addition of supplemental requirements for temporary uses, and amending any conflicting regulations between carnivals, special events and temporary uses within the Chapter and the City Council believes that the amendments to the current regulations provided by this Ordinance

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are in the best interest of the City of Marble Falls.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:

SECTION I. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. AMENDMENTS. Appendix B Land Use Regulations, Temporary Use Regulations, is amended by removing and Reserving, Sections 905 through 919, from Appendix B and re-codifying said sections into a new Article 4, Chapter 5 and changing the title of Chapter 5 Amusements and Entertainments, Chapter 5 Amusements, Entertainments, and Temporary Uses and creating Article 4. Temporary Uses, as follows:

Appendix B Land Use Regulations

“905-919 Reserved.”

“Chapter 5 AMUSEMENTS, ENTERTAINMENTS, AND TEMPORARY USES”

Articles I & II no amendments proposed or adopted to current codification.

“ARTICLE III. SPECIAL EVENTS

Sec. 5-50. Special event defined.

Special event means a single gathering of persons, generally lasting from a few hours to a few days, designed to celebrate, honor, discuss, sell, teach about, encourage, observe, or influence human endeavors, and includes but is not limited to a festival, parade, fair, carnival, street dance, reunion, party, seminar, conference, sidewalk sale, outdoor theatre, concert, display, pet show, pageant, sports event, ceremony, spectacle, celebration, or any similar event.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-51. Events not covered by this article.

This article shall not apply to events involving the use of municipal facilities for which a license or special use permit is required under this Code for such use, including the Lakeside Pavilion or other park facility, to garage sales, or to land uses authorized under the city's land use regulations, either as a permitted or specific use in a zoning district. This article does not apply to private events such as family reunions, birthday parties or other celebrations where the event does not require a street closure or special parking.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-52. Permit required.

No person shall engage in or conduct a special event unless a permit is issued by the chief of police.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-53. Application.

- (a) A person seeking a special event permit shall file an application with the chief of police on forms provided by such officer, and the application shall be signed by the applicant under oath.
- (b) An application for a permit shall be filed with the chief of police at least forty-five (45) and not more than one hundred eighty (180) days before the event is proposed to commence. The chief of police may waive the minimum forty-five (45) day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the event, the anticipated number of participants, and the city services required in connection with the event, the chief of police determines that the waiver will not present a hazard to public safety.
- (c) The application for an event permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking to conduct such event;
 - (2) The names, addresses and telephone numbers of the headquarters of the organization for which the event is to be conducted, if any, and the authorized and responsible heads of the organization;
 - (3) The requested date of the event;
 - (4) If a parade, the route to be traveled, including the starting point and the termination point;
 - (5) The approximate number of persons who, and animals and vehicles which, will be involved in such event, and the type of animals and description of the vehicles, if any;
 - (6) The hours when such event will start and terminate;
 - (7) The location by street, address, or place of any assembly areas for such event;
 - (8) If a street is involved, a statement as to whether the event will occupy all or only a portion of the width of the streets proposed to be traveled, and whether temporary street closure is necessary or desired.
 - (9) The time at which units of the event will begin to assemble at any such area;

- (10) If a parade, the intervals of space to be maintained between units of such event;
- (11) If the event is designed to be held by or on behalf of any person other than the applicant, the applicant for such permit shall file a letter from that person with the chief of police authorizing the applicant to apply for the permit on his behalf;
- (12) The type of public assembly, including a description of activities planned during the event;
- (13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the event;
- (14) The approximate number of participants (spectators are by definition not participants);
- (15) The approximate number of spectators;
- (16) A designation of any public facilities or equipment to be utilized; and
- (17) Any additional information that the chief of police finds reasonably necessary to a fair determination as to whether a permit should issue.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-54. Fees.

- (a) A nonrefundable fee to cover administrative costs of processing the permit shall be paid to the city by the applicant when the application is filed. The type and amount of the applicable fees are included in the city's fee schedule, which is on file in the office of the city secretary and is subject to periodic revision by the city.
- (b) If the application is for the use of any city property or if any city services shall be required for the event, the applicant shall pay, prior to the issuance of a permit, the charges for those services in accordance with the city's fee schedule for such services.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-55. Police protection.

- (a) The chief of police shall determine whether and to what extent additional police protection is reasonably necessary for the event for traffic control and public safety. The chief of police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen

travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the chief of police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the chief of police at the sole expense of the applicant.

- (b) Persons engaging in events conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the city.
- (c) Special events permittees are allowed to engage and utilize private security services for an event in lieu of hiring city police personnel if approved by the chief of police.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-56. Standards for issuance.

- (a) The chief of police shall issue a permit as provided for herein from a consideration of the application and from such other information as may otherwise be obtained, if he or she finds that:
 - (1) The conduct of the event will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
 - (2) The conduct of the event will not require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the city;
 - (3) The concentration of persons, animals, and vehicles at public assembly points of the event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;
 - (4) The conduct of the event is not reasonably likely to cause injury to persons or property;
 - (5) If a parade is involved, the event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
 - (6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

- (7) There are sufficient parking places near the site of the event to accommodate the number of vehicles reasonably expected;
 - (8) The applicant has secured the police protection or private security personnel, if any, which is required under this chapter and provided for posting of surety as required under section 5-62;
 - (9) Such event is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the event itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the event;
 - (10) No special event permit application for the same time and location is already granted or has been received and will be granted;
 - (11) No special event permit application for the same time but a different location is already granted or has been received and will be granted, and the police resources required for that prior event are so great that, in combination with the subsequent proposed application, the resulting deployment of police services would have any immediate and adverse effect upon the welfare and safety of persons and property; and
 - (12) No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed event would have an immediate and adverse effect upon the welfare and safety of persons and property.
- (b) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a city street, sidewalk, or right-of-way unless advance approval for the erection or placement of the structure is obtained as part of the permit application.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-57. Nondiscrimination.

The chief of police shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this article based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-58. Notice of denial.

The chief of police shall act promptly upon a timely filed application for an event permit but in no event shall grant or deny a permit less than thirty (30) days prior to the event. If the chief of police disapproves the application, he shall notify the applicant either by personal delivery or certified mail of his action and state the reasons for denial.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-59. Appeals.

- (a) Any applicant shall have the right to appeal the denial of an event permit to the city manager and then to the city council. The denied applicant shall promptly make the appeal after receipt of the denial by filing a written notice with the chief of police within ten (10) days of the date of the denial and a copy of the notice with the city secretary. The city manager shall act upon the appeal within five (5) days of the appeal. If the city manager denies the application, then the denial will be automatically appealed to the city council at the next scheduled meeting following the denial unless a special meeting is called for that purpose.
- (b) If a proposed event that is the subject of a denial of a permit was scheduled to commence prior to a scheduled meeting of the city council, the council may call a special meeting for the purpose of ruling on the denied applicant's appeal.
- (c) In the event that the city council rejects an applicant's appeal or fails to call a special meeting for the purpose of considering the appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-60. Notification of public officials.

Immediately upon the issuance of an event permit, the chief of police shall send a copy thereof to the following:

- (1) The city manager;
- (2) The city secretary;
- (3) The director of each city department.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-61. Contents.

Each event permit shall state the following information:

- (1) Purpose and name of the event;
- (2) Persons responsible for conduct of the event and contact information;
- (3) Starting and approximate ending time;

- (4) If a parade is involved, the maximum and minimum speed of parade units, maximum and minimum intervals of space to be maintained between parade units, portions of the streets that may be occupied by the event, and the maximum length of the parade in miles or fractions thereof;
- (5) Any special conditions regarding particular events, number of animals, level of noise allowed, maximum number of persons allowed in any building at one time, insurance requirements, or other conditions peculiar to the event;
- (6) Authorization to use or restrictions on use of particular public party;
- (7) Indemnification and hold harmless of the city by the persons responsible for the event; and
- (8) Such other information as the chief of police shall find necessary to the enforcement of this article.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-62. Duties of permittee; bond and insurance requirements.

- (a) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- (b) The event chairman or other person heading such activity shall carry the event permit upon his person during the conduct of the event.
- (c) Prior to the issuance of a permit, the applicant shall be required to file with the chief of police a surety bond in an amount which will cover the estimated costs of barricading, policing and cleaning up the event site and/or parade route. Upon submission of the application, the chief of police shall calculate the estimated costs based on the information contained in the application. No less than thirty (30) days before the event is proposed to commence, the chief of police will provide these costs to the applicant. The applicant shall deposit cash, money order, or cashier's check (no personal checks will be accepted) sufficient to cover these estimated expenses. This deposit shall be made no later than fifteen (15) days prior to the date which the event is proposed to commence. After the event has been completed, the chief of police shall deduct the costs of barricading, policing and cleaning up the event site and/or parade route from the deposited amount. The city shall then return any remaining balance from the deposit to the permit holder within thirty (30) days after the event. In the event that the chief of police initially underestimated barricading, policing and cleanup costs and there remains a balance due after applying the deposited amount toward these expenses, the permit holder shall receive from the city a bill for the difference. The city shall provide such bill to the permit holder within two (2) weeks after the event. The payment for the outstanding

balance of the cost of the event shall be due to the city within thirty (30) days after the date of the event. The permit holder shall bear all costs relating to traffic-control devices and any on-duty and overtime police required for the event.

- (d) Prior to the date of the event, the permit holder shall submit to the chief of police a certificate of insurance showing commercial general liability coverage, including premises operations, independent contractors, personal injury and contractual liability, at a combined single limit of five hundred thousand dollars (\$500,000.00) per occurrence or such other amount as determined by the chief of police according to identified risks involved with the event. The city shall be named as an additional insured and provided with at least thirty (30) days' advance notice of cancellation or material alteration of the insurance policy.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

Sec. 5-63. Revocation of permit.

The chief of police shall have the authority to revoke an event permit instantly upon violation of the conditions or standards for issuance as set forth in this article or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the event would have an immediate and adverse effect upon the welfare and safety of persons or property.

(Ord. No. 2012-O-08B, § 16, 11-20-2012)

ARTICLE IV. TEMPORARY USES

Sec. 5-75. Temporary uses.

Temporary uses are intended to permit occasional, temporary uses and related activities that are intended to operate on a frequent and on-going basis over a period of time that is longer than that permitted pursuant to Article III, Special Events. Temporary use permits are issued at the discretion of the City Manager, or his/her designee, when compatible with other nearby uses.

Sec. 5-76. Application and authorization.

- A. Application to conduct a temporary use shall be made to the city. Such application shall include a site plan and description of the use, desired period of time for the temporary use permit (not to exceed one (1) year), written authorization from the legal property owner providing consent to use the property and any necessary on-site facilities, and such additional information as the city may require to evaluate the use and to make the determinations required by these provisions. Application shall designate a person in charge that is responsible for the cleanliness of the site, and the site's compliance with all rules

and regulations during working hours, and shall provide contact information for the designated person in charge in the application.

- B. Application shall be made at least twenty (20) days prior to the request date for commencement of the temporary use. The City Manager or his/her designee shall make a determination whether to approve conditionally or deny the use within ten (10) days after the date of application.
- C. Authorization of a temporary use shall be by issuance of a building permit and /or a temporary use permit.
- D. A temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law or license applicable to such use.
- E. A temporary use permit may be renewed by the City Manager or his/her designee, upon request of the applicant, for a period not to exceed one (1) year.
- F. In the event that a temporary use permit is denied, such denial may be appealed to the City Council within ten (10) days of the date of the denial.

Sec. 5-77. Determinations.

The City Manager or his/her designee may authorize a temporary use only when, in his/her judgment, the following determinations can be made:

- A. The temporary use will not impair the normal, safe and effective operation of a permanent use on the same site or an adjoining use.
- B. The temporary use will be compatible with nearby uses in the general vicinity.
- C. The temporary use will not impact public health, safety, convenience, create traffic hazards, congestion or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.
- D. The temporary use shall not create a public nuisance or risk harm to persons or property.

Sec. 5-78. Required conditions of temporary use.

- A. Each temporary use site occupied by a temporary use shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the use.
- B. A temporary use conducted in a parking facility shall not occupy or remove from availability more than twenty-five (25) percent of the parking spaces required for the permanent use.
- C. The city may establish such additional conditions as necessary.

Sec. 5-79. Temporary use types.

The following types of temporary use may be authorized:

- A. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
- B. Subdivision sales offices located within the subdivision.

- C. Contractor's office, storage yard or equipment parking and servicing on the site of an active construction project.
- D. Outdoor art and craft shows and exhibits.
- E. Mobile home residences for occupancy by supervisory or security personnel on the site of an active construction project.
- F. Parking lot sales, including swap meets, farmers markets, flea markets, outdoor special sales or similar activities, limited to locations in commercial, mixed use, or industrial districts and shall not be operated more than three (3) days in the same week or more than five (5) days in the same month.
- G. Seasonal retail sale of agricultural or horticultural products.
- H. Mobile food courts, limited to locations in commercial, mixed use, agricultural, or industrial zoning districts, with the exception of the Main Street District. Mobile food courts shall be limited to selling food products only.
- I. Additional temporary uses determined to be similar to the foregoing by the City Manager or his/her designee.
- J. Temporary signs relating to temporary uses.

Sec. 5-80. Supplemental temporary use standards.

A. Parking lot sales

1. Location Standards

Parking lot sales must meet all applicable zoning requirements applicable to the zoning district in which it is located and as required by this Chapter. Parking lot sales shall not be located less than two-hundred (200) feet from residential zoning districts.

2. Development Standards

- A. Vendors shall be allowed to engage in the business of vending only between the hours of 7:00 a.m. and 7:00 p.m. or as otherwise approved by the City Manager or his/her designee. All stands, trailers, other vending operations and related facilities must be removed from the premises during non-operating hours unless otherwise approved by the City Manager or his/her designee.
- B. A minimum twenty foot (20 ft) wide fire apparatus access route shall be provided around the periphery of any parking lot sale, if required by the Fire Chief or designee.
- C. No vendor participating in the sale shall impede access to the entrance or driveway of an adjacent building, or operate within the public right-of-way.
- D. All potentially hazardous foods shall be kept at safe food temperatures as required by the Texas Food Establishment Rules.

- E. All vendors selling food or beverages must provide at least one (1) appropriately sized trash receptacle adjacent to or as a part of their stand/operation.
- F. When ten (10) or more vendors are proposed for a site, there must be on-site bathroom facilities provided. This requirement can be met through one of the following methods:
 - 1. Bathroom facilities within a building(s) on the premises authorized by written consent of the building owner/tenant.
 - 2. Bathroom facility trailer or mobile trailer with bathrooms and self-contained water and wastewater facilities within it, maintained by a licensed company.
 - 3. Port-o-potties located on the premises, at the farthest reasonable distance from public right-of-way or parking areas, and maintained by a licensed company.
- G. Vendors shall be allowed one (1) single temporary detached sign to advertise. The sign must remain temporary and no permanent installation shall be allowed unless permitted under the City of Marble Falls Sign Ordinance. One sign may be attached to a structure per vendor. The sign should be anchored or stabilized to prevent wind damage. Overall sign dimensions shall not exceed twenty-four (24) square feet. Sign may be dual sided.

B. Mobile Food Courts

No mobile food vendor/vehicle shall operate within a mobile food court that does not possess a valid permit as required by Chapter 16 Peddler, Solicitors and Vendors.

1. Location Standards

- A. A mobile food court must meet all applicable zoning requirements applicable to the zoning district in which it is located and as required by this Chapter.
- B. Permitted mobile food vendors/vehicles located within the court shall be exempt from having to remove the vehicle from the site during non-operating hours so long as such operation is in compliance with its temporary use permit and applicable Chapter 16 regulations.
- C. Each mobile food court must be located at least two-hundred (200) feet away from any single-family residential use or single-family zoning district, including R-1, RA-1, RE-1, and R-2. The two-hundred (200) foot minimum distance shall be measured from property line to property line.
- D. Mobile food courts shall not be located within fifty (50) feet of a building with a restaurant possessing a Certificate of Occupancy.
- E. Mobile food courts must comply with the setback minimum of the zoning district which the site is located, unless a more restrictive

setback is required by the City to mitigate any negative impacts to adjacent businesses, residents, or safety, health or welfare of the general public.

2. Development Standards

- A. Mobile food courts shall be allowed to engage in business only between the hours of 7:00 a.m. and 9:00 p.m. or as approved by the City Manager or his/her designee.
- B. Each individual mobile food vendor/vehicle must at minimum be removed from the premises once every six months to report to an operating base location for vehicle and equipment cleaning, discharging of liquid and/or solid wastes, refilling of water tanks and ice bins, boarding of food and other servicing operations. A maintenance log sheet documenting all visits must be maintained on the mobile food vendor/vehicle unit at all times for review at the request of the City. The Texas Food Establishment Rules (TFER), Section 229.167(d)(10) states a private home used as living or sleeping quarters may not be used for conducting food establishment operations.
- C. Mobile food courts must provide a paved parking area, at a ratio of three (3) parking spaces per individual vendor/vehicle, along with a twenty-four (24) foot wide back up lane.
- D. Mobile food courts must provide outside seating consisting of a table and a seating capacity of four, per mobile food vendor/vehicle unit.
- E. Restrooms must be provided within the mobile food court area. A minimum of at least one (1) restroom for each sex shall be provided within one-hundred (100) feet from each vendor/vehicle. This requirement can be met through one of the following methods:
 - 1) Bathroom facilities within a building(s) directly abutting the premises authorized by written consent of the building owner/tenant.
 - 2) Bathroom facility trailer, or mobile trailer with bathrooms and self-contained water and wastewater facilities within it, maintained by a licensed company. Facility shall not be located fronting the property, but to the rear of mobile food vendors and if necessary screened from the public right-of-way.
 - 3) Port-o-potties located on the premises, not fronting the mobile food court, and to the rear of the vendor area. Potty area must be enclosed with a six (6) foot tall solid screened fence or suitable equivalent, with gate for access and security, and be maintained by a licensed company.

- F. All vendors/vehicles selling food or beverages must provide at least one (1) appropriately sized trash receptacle adjacent to or as a part of their stand/operation.
- G. Mobile food vendors/vehicles shall not have permanent connections for electricity, potable water and sewage disposal. Mobile food vendors/vehicles must provide independent self-contained systems to adequately provide these services to each unit.
- H. All mobile food vendors/vehicles situated on the property shall be located on a minimum surface of four (4) inch compacted granite gravel or equivalent material.
- I. Mobile food vendors/vehicles shall demonstrate that the vehicle or unit is readily moveable if requested by the City. Any alteration, removal, attachment, placement or change in, under or upon the mobile food vehicle or unit that would prevent or otherwise reduce ready mobility is prohibited.
- J. Vehicular drive-through service of food and/or beverages shall not be permitted.
- K. No more than ten (10) individual mobile food vendor/vehicle units are permitted per mobile food court site. Additional mobile food vendor/vehicle units may be authorized by the City Manager or his/her designee.
- L. No mobile food vendor/vehicle unit, structures associated with the mobile food court use, nor any seating areas shall be located in a required setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane unless authorized by the City Manager or his/her designee.
- M. City inspection personnel shall make the appropriate inspections of the location, equipment, vehicles/units and other reasonable inspections concerned with the mobile food court operation to assure compliance with the applicable adopted codes, ordinances, requirements of all state and federal statutes.
- N. A minimum twenty (20) foot wide fire apparatus access route shall be provided around the periphery of any mobile food court, if required by the Fire Chief or designee.
- O. All signage shall comply with the adopted sign ordinance. One (1) permanent detached sign permitted in compliance with Chapter 20 shall be allowed for the mobile food court. Individual vendors/vehicles shall be allowed one (1) single temporary detached sign to advertise. The sign must remain temporary and no permanent installation shall be allowed unless permitted under the City of Marble Falls Sign Ordinance. The sign should be anchored or stabilized to prevent wind damage. Overall sign dimensions shall not exceed twenty-four (24) square feet. Sign

may be dual sided. One sign attached to trailer or trucks for signage is allowed. No other temporary signs shall be allowed.

- P. Residing and/or dwelling within a vendor/vehicle unit(s) overnight is prohibited.
- Q. The sale, distribution or consumption of alcoholic beverage is prohibited within mobile food courts.
- R. Mobile food courts must provide complete contact information such as name, address, phone number, and any other information reasonably required by the City Manager or his/her designee for a Designated On-call person to be a principal point of contact for City staff and the individual vendors/vehicles.
- S. Failure to comply with these standards may result in termination or suspension of the temporary use permit.

Sec. 5-81. Other Standards and Conditions.

Other conditions and standards may be required in the temporary use permit by the City Manager, or his/her designee, if such requirements are necessary to mitigate the impact of the temporary use on adjoining property or businesses or in the interest of public health and safety. Such requirements may include limitations on the operation of the temporary use, the time and/or days of operation, the number of participants or vendors/vehicles, and other measures.

Sec. 5-82. Revocation of permit.

The City Manager or his/her designee shall have the authority to revoke a temporary use permit upon violation of the conditions or standards for issuance as set forth in this article or when temporary uses create, refuse to mitigate, or otherwise have an adverse effect upon the health, safety, or welfare of the public, persons or property.”

SECTION III. REPEALER. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

SECTION IV. PROVIDING FOR SEVERABILITY. If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

SECTION V. EFFECTIVE DATE. This ordinance shall be in full force and effect from its date of approval.

SECTION VI. PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PUBLIC HEARING AND 1ST READING OF THIS ORDINANCE: **April 1, 2014.**

SECOND READING AND APPROVAL: **April 15, 2014.**

APPROVED:

George Russell
Mayor, City of Marble Falls

ATTEST:

Christina McDonald, City Secretary
City of Marble Falls

(Seal)

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Marble Falls