

**ORDINANCE 2019-27**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, ESTABLISHING CHAPTER 11, ARTICLE VIII, OF THE CODE OF ORDINANCES OF DEALING WITH “LICENSES AND BUSINESS REGULATIONS;” PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Belton, Texas, that:

**PART 1.** Chapter 11, Article VIII, “Licenses and Business Regulations,” of the Code of Ordinances of the City of Belton, Texas, is hereby established to read as follows:

**CHAPTER 11 – LICENSES AND BUSINESS REGULATIONS**

**ARTICLE VIII. – MOBILE FOOD VENDOR AND MOBILE FOOD VENDOR PARKS**

**DIVISION 1 – GENERAL**

SEC. 11-176. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Concession stand* means a food establishment operated by a city or county, a non-profit organization, or public school district from which limited foods are served during athletic or entertainment events.

*Farmers Market* means a designated location used primarily for the distribution and sale of food products by farmers and other producers of agricultural products directly to consumers.

*Food booth* is generally a temporary structure used to prepare and sell food to the general public, usually where large groups of people are situated outdoors in a park, at a parade, near a stadium or otherwise. This term also refers to the business operations and vendors that operate from such booths and includes concession stands.

*Food truck* means the same as a mobile food vendor/establishment.

*Mobile Food Vendor Park* means a permanent site with three (3) or more mobile food vendors.

*Improved Surface* means an all-weather surface that may include concrete, asphalt, chip seal, cement stabilized base, pervious pavers, or any other surface approved by the Director of Public Works.

*Mobile food vendor/establishment* means any business which sells edible goods from a nonstationary location within the City including an operation using any heat-producing equipment to cook, fry, or warm products for consumption from a unit which is wheeled, or otherwise designed to be readily transported from place to place, whether towed or self-propelled, and which is not designed to be permanently connected to domestic water, sanitary sewer, or electricity. The terms do not include a food booth, concession stand, or food vending push cart.

*Temporary event mobile food vendor* means a mobile food vendor that operates for a period of no more than 14 consecutive days in conjunction with a single special event or celebration, or scheduled series of events.

SEC. 11-177.-Compliance required.

- A. Any person preparing and selling food to the public shall comply with Bell County Public Health District Local Order.
- B. Temporary event mobile food vendors must comply with provision A above and shall register with the event organizer and comply with their requirements, but are exempt from other provisions of this Chapter.
- C. A mobile food vendor or park shall comply with provision A above, Section 321 of the Belton Fire Code, and all provisions outlined in this Chapter.
- D. The City may adopt additional requirements not specified in this chapter as are reasonably required in the City's professional judgment, and authorized by law, to protect against health hazards or nuisances. When the City reasonably determines as a matter of professional judgement that no health hazard or nuisances will result from a particular activity or method of conduct, the City may waive or modify requirements of this chapter.
- E. Requirements outlined in this chapter shall be enforced by City staff. Permits for a mobile food vendor or park shall be obtained through the City Planning Department.

## DIVISION 2. MOBILE FOOD VENDORS

SEC. 11-178.-Mobile food vendor permits.

- A. A person must hold a permit issued by the City to operate a mobile food establishment.

- B. A person must comply with the requirements of this chapter to receive or retain a permit.
- C. A permit issued under this chapter is not transferable.
- D. A permit holder or person in charge of a mobile food establishment shall post a permit required by this chapter in a prominent public location clearly visible to the general public and to patrons.
- E. A permit issued under this chapter shall expire six (6) months after the date it is issued, except that a permit subject to a shorter term shall expire on the date indicated on the permit.

SEC. 11-179. -Permit application.

- A. A person who seeks to operate a mobile food establishment must submit to the City a written application for a permit on a form provided by the City. The application must include:
  1. name and address of the applicant as shown on a current driver's license or other suitable form of identification that includes a photograph of the applicant;
  2. current photograph, proposed orientation, and information regarding the type of vehicle to be used for the proposed mobile food establishment;
  3. proof of sales tax and use permit;
  4. an itinerary of locations where sales occur and hours of operation;
  5. site plan identifying setbacks to property lines and to the main building;
  6. copy of Bell County Public Health District inspection report;
  7. permission letter from the property owner;
  8. other information reasonably required by the City; and
  9. signature of applicants.
- B. The Director of Planning shall review the application and site plan, and evaluate compatibility with existing development and may approve, deny, or approve with conditions any new permit or permit renewal. Decisions of the Director of Planning may be appealed to the City Manager and ultimately, the City Council.
- C. For a mobile food vendor permit, the City shall provide the permit holder a copy of the permit that indicates the permit expiration date.
- D. The Fire Marshal will complete a fire safety inspection in accordance with Section 321, Belton Fire Code.
- E. The Police Department will evaluate the criteria contained in the application.
- F. The City may suspend or revoke a mobile food establishment permit if the City determines that:

1. an applicant obtained the mobile food establishment by knowingly providing false information on the application;
2. a person is infected with or is a carrier of any foodborne communicable disease;
3. the continuation of the person's mobile food establishment permit presents a significant public health threat; or,
4. a mobile food establishment violates the terms and conditions of any written agreement submitted to the City.

G. If a written agreement submitted to the City terminates without fault by the mobile food establishment, the operator has 10 days to replace the required written agreement without constituting a violation under this section.

#### SEC. 11-180. - Permit fees.

- A. An applicant shall pay the permit fee established by separate ordinance, except that a permit fee is not required for a food enterprise that is:
1. necessary to provide services under a contract for social services with the City;  
or
  2. operated by a public or private school system.
- B. If a permit application is not approved, the health authority may refund the permit fee to the applicant.

#### SEC. 11-181. - Mobile food vendor requirements.

- A. Location. A mobile food establishment is allowed in all Zoning Districts except Single Family, and Two Family, subject to site plan review.
- B. Parking
1. The mobile food establishments may not occupy required parking spaces as established in Section 34, Off-Street Parking and Loading Requirements, of the Zoning Ordinance, fire lanes, or drive aisles for the permanent business on site.
  2. Mobile food establishments may only be placed on lots that exceed their minimum parking requirements, and must be positioned in such a way that they do not create sight obstructions for vehicular traffic, and maintain a ten (10) foot clearance from all surrounding buildings. Mobile food vendors may not park within the 25 foot visibility triangle at a street intersection.
  3. Parking requirements for the mobile food establishment will be evaluated with the site plan.
- C. Signs. The only signage permitted shall be permanently affixed to the mobile food

vendor vehicle.

- D. Trash receptacle. A trash receptacle for public use is required to be placed on-site for mobile food vendors providing seating on-site for patrons.
- E. A mobile food vendor shall demonstrate that the vehicle is readily moveable if requested by the City.
- F. A mobile food establishment shall be available for inspection every six months.

SEC. 11-182.–Utility and Sanitary requirements.

- A. A person operating a mobile food establishment shall equip the interior of the mobile food establishment with an attached trash receptacle approved by the City for the use of persons working in the mobile food establishment. The operator must hold, store, and dispose of solid and liquid waste in a receptacle approved by the City, and must comply with any other applicable City Code requirements.
- B. A mobile food vendor shall not connect to the City of Belton’s public sewer, unless otherwise approved.
- C. A mobile food vendor may, with approval from the Director of Public Works, connect to the City of Belton’s public water supply provided the mobile food establishment has proper backflow devices installed. All backflow devices must be installed and maintained in conjunction with the City of Belton’s Cross Connection Control and Backflow Prevention Ordinance 2017-37.
- D. A mobile food vendor shall not discharge sewer or grease from the mobile food establishment onto the ground, roadway, or into any drainage infrastructure.

SEC. 11-183. – Use of public property.

A person who operates a mobile food establishment may not go into a City park to sell, offer for sale, or display a food item, unless the activity is authorized by a park property rental agreement.

SEC. 11-184. – Mobile food vendor violations.

- A. The person or business in charge of a mobile food establishment shall immediately correct violations identified in an inspection report. If the violations are not corrected immediately, the person or business in charge shall stop food service operations at the establishment until authorized to resume by the City.
- B. The City may immediately cite, suspend operations, or file violations against the person or business in charge of a mobile food establishment that does not correct

violations identified as required in Subsection A.

### DIVISION 3. MOBILE FOOD VENDOR PARKS

#### SEC. 11-185. Mobile Food Vendor Parks.

- A. Parking requirements. Adequate parking shall be provided on site on an improved surface as required by the Zoning Ordinance and Design Standards.
- B. Site Pads. Mobile food vendors in a park shall be parked on an improved surface.
- C. Signage. One (1) on premise sign is permitted at the entrance(s) identifying the mobile food vendor park subject to the sign regulations for the applicable zoning district. Each Mobile food establishment may have attached signage.
- D. Trash receptacle. A dumpster is required to be placed on-site in accordance with the City's Zoning Ordinance and Design Standards.
- E. Public restrooms. A minimum of two (2) public restrooms with connection to City wastewater system shall be provided on site. An alternative plan may be approved by the City's Director of Public Works.
- F. Electrical connections. Each mobile food vendor pad site is required to contain an electrical connection.
- G. Fire lanes. Fire lanes shall be provided in accordance with the current fire code.
- H. Permanent structures. Permanent structures shall be constructed in compliance with the current building code and setback requirements established in the Zoning Ordinance.
- I. Each type of mobile food vendor park shall be considered a primary use on a property and therefore is subject to all development standards applicable to the zoning of the property, including off-street parking requirements.
- J. All mobile food vendor parks shall comply with all applicable regulations of the Bell County Public Health District, current building codes, current fire code, this chapter, and all other applicable federal state and local laws. All mobile food vendor parks shall be located on a legally platted lot.
- K. Mobile food vendor parks may provide for standalone vendors or may be located on a property with other permanent uses (i.e. retail establishments). These properties shall be designed to be able to accommodate all required development standards for all primary uses.
- L. Mobile food vendor parks that are eligible to sell alcohol may do so provided they meet the requirements of the Texas Alcoholic Beverage Code, Texas Alcoholic

Beverage Commission and Belton City Code. Alcohol shall only be sold from a fixed location.

- M. Fencing/screening shall be provided as required by the Zoning Ordinance and Design Standards.
- N. Connection to the City of Belton's public water supply may be allowed providing the mobile food establishment has proper backflow devices installed. All backflow devices must be installed and maintained in conjunction with the City of Belton's Cross Connection Control and Backflow Prevention Ordinance 2017-37.
- O. Connection to the City of Belton's public sewer may be allowed providing each mobile food vendor has installed either an internal grease trap or the mobile food vendor park has installed a community grease trap. All grease traps must be installed and maintained in conjunction with the City of Belton's Fats, Oils, Grease and Grit Ordinance 2017-36.
- P. Park owners are encouraged to provide for an aesthetically-pleasing environment which includes shade and seating elements in addition to pervious groundcover.
- Q. All mobile food vendor parks shall comply with the noise regulations in Section 13-4.
- R. All mobile food vendor parks shall comply with all adopted floodplain regulations.
- S. The site plan required for a mobile food vendor park shall provide the following information for review:
  - 1. The land area included within the property, the zoning classification of adjacent properties, and all public and private rights-of-way and easements bounding and intersecting the site;
  - 2. A legal description of the proposed site and the boundaries thereof;
  - 3. The location of each proposed permanent structure on the site and required pads for mobile food vendors, and identification of any proposed outdoor entertainment locations and fixed seating areas;
  - 4. The location, width, and surface material of driving lanes and mobile food vendor pad sites;
  - 5. The location of fire hydrants;
  - 6. The dimensions and capacities of parking areas and loading areas;
  - 7. All pedestrian walks, patios and open areas for use by tenants or the public;
  - 8. The location, height, and materials of all screening mechanisms;
  - 9. The location, size, height, and orientation of all lighting and signs;
  - 10. Location and screening of refuse containers, mechanical equipment, and outside storage or display;
  - 11. Location and number of provided seating and eating areas, including the number of fixed seats and tables;
  - 12. All proposed phasing of the park (if applicable);

13. Location, height, separation of buildings, including location of restrooms;
14. Location and type of electrical outlets provided for each corresponding pad site.
15. Landscape plan for all required landscaping in accordance with the City's Design Standards.
16. Proposed onsite public utility connections.

#### DIVISION 4. ENFORCEMENT

##### SEC. 11-186. - Offenses and penalties.

- A. A person commits an offense if the person knowingly provides false information on an application for a permit required by this chapter.
- B. A person commits an offense if the person uses a permit that has not been issued to the person by the City.
- C. A person commits a separate offense each day that the person performs an act prohibited by this chapter or fails to perform an act required by this chapter.
- D. An offense under this section is a fine only offense and is punishable by a fine not to exceed \$2,000.

**PART 2.** All other provisions of Chapter 11 of the Code of Ordinances of Belton, Texas shall remain in full force and effect unless expressly amended by this ordinance.

**PART 3.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**PART 4.** The City Clerk is directed to publish public notice of this ordinance in accordance with State law.

**PART 5.** The publishers of the City Code of Belton, Texas, are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

**PART 6.** This Ordinance shall take effect immediately.

**PART 7.** It is hereby officially found and determined that the meeting at which this ordinance is 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.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 9th day of July, 2019, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**PASSED AND APPROVED** on this the 9th day of July, 2019.

\_\_\_\_\_  
Marion Grayson, Mayor

ATTEST:

\_\_\_\_\_  
Amy M. Casey, City Clerk