

ORDINANCE O-19-019

AN ORDINANCE OF THE CITY OF SHENANDOAH, TEXAS AMENDING ORDINANCE 15-033, REGULATING THE SALE OF FOOD AND DRINKS FROM MOBILE BUSINESSES; PROVIDING FOR A PENALTY IN THE AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Shenandoah has trucks and mobile businesses that sell food and drink within the City; and

WHEREAS, to assure the health and safety of the residents and others working in the City, it is advisable to regulate those trucks and mobile businesses in the City;

WHEREAS, the City Council has determined it is in the best interest of the City to allow trucks and mobile businesses to sell food and drink within the City but only on a regulated basis;

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

Chapter 18.80 entitled Mobile Food Businesses is added to the Code of Ordinances as follows:

Section 18.81. Definitions

18.81.1. A Mobile Food Business is defined as any business which is selling goods or services from a motor vehicle, trailer or food cart, excluding Ice Cream Vendors.

18.81.3. A Shenandoah Resident is a person or entity who resides in the City of Shenandoah or has a physical address within the City.

18.81.4. A Private Party is an event that meets the requirements of 18.85.

Section 18.82. No Mobile Food Businesses may operate within the City of Shenandoah without having first obtained a Mobile Business License as provided by this Ordinance. To obtain a Mobile Business License, each applicant must comply with all of the provisions of this Section 18.82.

18.82.1. Every Mobile Food Business operating in the City must have a Sales Tax permit and documentation showing sales within the City of Shenandoah will be taxed at City rates and paid to the City.

18.82.2. Every employee of a Mobile Food Business that works within the City must pass a background check approved by the City. Background checks must be renewed annually.

18.82.3. Every Mobile Food Business that sells food must have a valid food permit issued in Montgomery County.

18.82.4. Every Mobile Food Business must pass a city inspection annually and pass a fire inspection annually.

18.82.5. Every Mobile Food Business operating in the City must have, at a minimum, insurance of one million dollars for automobile liability and one million dollars for general liability as approved by the City.

18.82.6. It shall be unlawful for any Mobile Food Business to operate in the City unless it has complied with all of the requirements of Section 18.82.

18.82.7. A Mobile Food Business is excused from the requirements of Sections 18.82.2 and 18.82.4 if it has been hired by a Shenandoah Resident for a Private Party.

Section 18.83. Operations of Mobile Food Businesses

18.83.1. It shall be unlawful for any Mobile Food Business to do any of the following:

18.83.1.1. Sell food or other items in city rights of way, city streets, or on city property.

18.83.1.2. To block a private road or park in any manner that impedes emergency vehicles.

18.83.1.3. To operate before 9:00 am in the morning or after 5:00 pm in the evening.

18.83.1.4. To leave any Mobile Food Business unattended.

18.83.1.5. Store, park or leave any Mobile Food Business overnight on any city rights of way, city streets, or on city property.

18.83.1.6. Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor.

18.83.1.7. Allow any items relating to the operation of the Mobile Food Business to be placed anywhere other than in, on or under the Mobile Food Business.

18.83.1.8. Use any speaker or sound amplifying device.

Section 18.84. Operations of Ice Cream Vendors

18.84.1. It shall be unlawful for any Ice Cream Vendor to operate in the City unless:

18.84.1.1. The person or persons operating as an Ice Cream Vendor has a valid permit issued by the City.

18.84.1.2. The motor vehicle, trailer or food cart used by the Ice Cream Vendor has a permit issued by the City.

18.84.1.3. To operate after dusk or before dawn.

18.84.2. It shall be unlawful for any Ice Cream Vendor to do any of the following:

18.84.2.1. To leave any ice cream vendor vehicle unattended.

18.84.2.2. Store, park or leave any Ice Cream Vendor vehicle, trailer or cart overnight on any city rights of way, city streets, or on city property.

18.84.2.3. Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor.

18.84.2.4. Allow any items relating to the operation of the Ice Cream Vendor to be placed anywhere other than in, on or under the Ice Cream Vendor vehicle, trailer or cart.

18.84.2.5. Use any speaker or sound amplifying device.

18.84.2.6. Every employee of an Ice Cream Vendor that works within the City must pass a background check approved by the City. Background checks must be renewed annually.

18.84.2.7. An Ice Cream Vendor is excused from the requirements of Sections 18.84.1.1, 18.84.1.2 and 18.84.2.6 if it has been hired by a Shenandoah resident for a Private Party.

Section 18.85. A Private Party is subject to the following rules and regulations:

18.85.1. A Private Party must have a Permit from the City of Shenandoah.

18.85.2. A Private Party permit is free of charge.

18.85.3. Private Party permits are issued to Shenandoah Residents only.

18.85.4. A Mobile Food Business and an Ice Cream Vendor may operate in the City at a Private Party between the hours of 8:00 am and 10:00 p.m.

18.85.5. A Shenandoah Resident may have a maximum of 10 Private Parties per year.

18.85.6. A Private Party may last up to four hours.

Section 18.86. All provisions of the ordinances of the City of Shenandoah in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Shenandoah, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 18.87. The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

Section 18.88. 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 Shenandoah, and upon conviction, shall be punished by a fine not to exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 18.89. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED, AND ADOPTED this the 28 day of August, 2019.

CITY OF SHENANDOAH, TEXAS

M. RITCHEY WHEELER, Mayor

ATTEST:

COURTNEY CLARY, City Secretary

APPROVED AS TO FORM:

WILLIAM C. FEREBEE, City Attorney