

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS, AMENDING CHAPTER 22, OF THE LAMPASAS CODE OF ORDINANCES ADDING A NEW ARTICLE VI, RELATED TO THE REGULATION OF "MOBILE FOOD COURT(S)/PARK(S)" AND AMENDING APPENDIX A "FEE SCHEDULE," CHAPTER 22. BUSINESSES, ADDING ARTICLE VI "MOBILE FOOD COURT(S)/PARK(S)" REFLECTING FEES RELATED TO SAME; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lampasas, Texas is a Home Rule municipality incorporated and operating under the authority provided to it through its Charter and by the powers granted by the Laws of the State of Texas; and

WHEREAS, the City of Lampasas is legally authorized to promulgate regulations that protect the health, safety and welfare of its citizens and visitors in the community, specifically including regulations that are related to the establishment, location and operation of Mobile Food Vendor Units ("MFVU"), that do business and serve customers within the City's corporate jurisdiction; and

WHEREAS, the City Council of Lampasas has evaluated all information made available to it regarding this subject and after careful deliberation has determined that it is in the best interest of the health, safety and welfare of its citizens and visitors to the community that the City establish and enforce regulations related to certain business activities and land uses within the City, including the establishment, location and operation of Mobile Food Court(s)/Park(s), when they do business within the City's municipal boundary or jurisdictional limits; and

WHEREAS, in order to accomplish these important health and safety goals and objectives, the City Council of Lampasas, Texas now finds it necessary to add certain definitions, rules and regulations pertaining to the issuance of certificates/permits for those activities associated with businesses operating in Mobile Food Court(s)/Park(s), and other activities related thereto, when conducted within the City's municipal limits.

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

Part I: Chapter 22, of the City's Code of Ordinances, entitled, "BUSINESSES" is amended to add the following new provisions:

Article VI. "Mobile Food Court(s)/Park(s)"

Division 1. General Provisions

Mobile food courts/parks. No mobile food vendor/vehicle shall operate within a mobile food court or park within the City unless the food vendor/vehicle possess a valid City certificate/permit, as required by Chapter 22, Article V, "Mobile Food Vendor Units" of the City of Lampasas Code of Ordinances.

Section 22-341. Location standards for mobile food court(s) / park(s).

- a. Mobile food court(s)/park(s) must meet all mandatory zoning requirements applicable to the zoning district in which it the mobile food court/park is located and as otherwise required by this chapter.
- b. Permitted mobile food vendors/vehicles located within a mobile food court/park shall be exempt from having to remove the food vending vehicle from the mobile food court/park site, during non-operating hours, so long as the operation of the food vending vehicle is in compliance with its Mobile Food Court/Park certificate/permit and all other applicable Chapter 22, Article V, "Mobile Food Vendor Units" requirements of the City of Lampasas' Code of Ordinances.
- c. Each mobile food court/park site must be located at least one-hundred (100') feet away from any Residential Zoning District. The one-hundred (100') foot minimum distance shall be measured from the mobile food vendor unit to the nearest residential property line in the Residential Zoning District.
- d. Mobile food court(s)/park(s) shall not be located within fifty (50') feet of a building in which a restaurant possessing a certificate of occupancy is located or is operating. If a mobile food court/park is in existence and is operating at a location prior to the construction of a building that proposes to house a restaurant that will be within the fifty (50') feet of the existing mobile food court/park, then the distance prohibition noted herein shall not apply to the pre-existing mobile food court/park and the new restaurant.
- e. Mobile food courts/parks must comply with the minimum setback requirements of the zoning districts in which the mobile food courts/parks are located, unless more restrictive setbacks are required by the city to mitigate any negative effects the mobile food court(s)/park(s) may impose on adjacent properties and/or on the safety, health or welfare of the general public.

Section 22-342. Development standards.

- a. Mobile food court(s)/park(s) shall be allowed to engage in business only between the hours of 7:00 a.m. and 10:00 p.m. seven days a week unless otherwise specifically approved, in writing by the city manager or his/her designee.
- b. Each individual mobile food vendor/vehicle must, at a minimum, be removed from the premises once every six (6) 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 to the base location must be maintained on the mobile food vendor/vehicle unit at all times for review at the request of the city.
- c. 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. Accordingly, no mobile food vendor vehicle may be used for habitation or living quarters.
- d. Mobile food courts/parks 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 to allow egress and access to the mobile vendor vehicle. Additional

parking requirements may be based on ancillary uses, such as square footage of the outside seating for customers, or based on the general use of the property, at the discretion of the City, during the planning review and approval process. For example: if a portion of the property is used for retail purposes, one (1) parking space, per two hundred (200) square feet of gross floor area, shall be required.

- e. Mobile food courts/parks may provide outside seating for customers consisting of a table and a seating capacity of four (4) seats per mobile food vendor/vehicle unit.
- f. Adequately accessible public restrooms must be provided within the mobile food court/park area that sufficient in number to accommodate the projected occupancy load, as per the City's Building Code.
 - 1. A restroom facility trailer, or mobile trailer with restrooms and self-contained water and wastewater facilities within it, which includes hot and cold water and handwashing facilities, maintained by a licensed company may be used in lieu of permanent restrooms. Restrooms facilities shall not be located in a position that fronts the property used for the mobile food court/park, rather, the restroom facilities shall be located to the rear of mobile food court/park and, if deemed necessary by the City, shall be screened from the view from the public right-of-way.
 - 2. No temporary 'port-o-potties' or similar temporary facilities will be allowed.
 - 3. All restrooms will be provided with running hot and cold water and handwashing facilities and shall be located within three hundred (300') feet of the mobile food vendors/vehicles.
 - 4. All food court/parks shall have restroom facilities with handicap access availability, as per the City's Code.
- g. 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. The mobile food court/park shall provide, at its cost, a waste dumpster to be utilized by all vendors in the food court/park, and it shall be regularly emptied pursuant to a contract with a disposal company.
- h. Mobile food vendors/vehicles may have permanent connections for electricity. Mobile food vendors/vehicles must provide independent self-contained systems to provide adequate supplies of potable water and sewage disposal to each food unit. Mobile food vendors/vehicles may connect to municipal sewer and water systems, if provided and approved in advance by the City. Mobile food courts/parks utilizing city water facilities shall install and maintain a RPZA, after the meter for site protection. Individual grease traps may be required by the City.
- i. All MFVUs must be parked on an improved surface. (i.e., a surface that is sufficiently stable to hold the structure and resist weather conditions and prevent hazards to the customers who approach the MFVU on foot to acquire products, etc.) Areas near and around the MFVUs may not retain water during rain events nor may they pond or form mud puddles that may pose hazards for customers etc.
- j. 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 strictly prohibited.
- k. Vehicular 'drive-through' service of food and/or beverages shall not be permitted.

- l. No mobile food vendor/vehicle unit, structures or other improvements associated with the mobile food court/park 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 in writing by the Fire Marshal and/or Building Official.
- 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(s)/park(s) operation to assure compliance with the applicable adopted codes, ordinances, requirements of all state and federal statutes, at any time.
- n. A minimum twenty unobstructed (20) foot wide fire apparatus access route shall be provided around the periphery of any mobile food court(s)/park(s), if required by the fire chief or designee.
- o. All signage for mobile food court(s)/park(s) shall comply with Chapter 58 "Signs" of the City of Lampasas Code of Ordinances.
- p. Residing and /or dwelling within a vendor/vehicle unit(s) overnight is prohibited.
- q. MFVUs shall not prepare, offer, sale or serve alcoholic beverages, including but not limited to, beer and wine, without proper approval from the City Council and TABC. MFVU's must comply with all TABC regulations.
- r. Mobile food court(s)/park(s) must provide complete and current contact information including name, address, phone numbers (business and cell), email 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. And change in this information must be immediately updated with the City. Failure to update contact information may result in lost the City terminating or suspending the mobile food court/park permit/certificate.
- s. MFVU's must meet the following safety requirements:
 1. Location of Mobile Units:
 - a) Units shall not be closer than 10 feet to any structure.
 - b) All Mobile Units must remain at least 15 feet away from any fire hydrant.
 - c) Mobile Units shall not block access to a Fire Department Connection (FDC).
 - d) Mobile Units shall not obstruct any entrances or exits from a structure. Exits of mobile units shall not obstructed.
 2. Electrical:
 - a) Mobile Units shall not use electricity from a nearby structure.
 - b) No excessive use of extension cords.
 - c) Breaker boxes and junction boxes shall have proper cover.
 - d) All wiring must be in conduit.

- e) Improper use of electrical accessories and overloading of circuits prohibited.

3. Propane Cylinders:

- a) A maximum of two – 100 lb. propane cylinders are allowed. One is allowed for use and one as a spare. The cylinders cannot be manifolded together.
- b) Propane cylinders need to be requalified every 12 yrs. A current date of manufacture if new or requalification stamp is required on all cylinders.

4. Propane Cylinder Location:

- a) Propane cylinders (Including spares) shall not be located:
 - i. On rear bumpers, on exterior sides of vehicle, or roofs
 - ii. Below the lowest part of the vehicle frame
 - iii. Inside improperly vented or unvented trunks or beds of vehicles
 - iv. Inside passenger compartments of vehicles
 - v. On ground.
- b) The propane storage compartment shall be ventilated with at least two vents(one top of compartment and one bottom of compartment), each vent having an aggregate area equal to at least .5 square inches for each 7 lb. of the total propane fuel capacity of the maximum number of the largest cylinders the compartment can hold.
- c) Vendor will be required to have propane cylinders on vehicle to demonstrate how cylinders are secured to vehicle. Propane cylinders must be secured as to prevent propane bottle from leaving mount or cage in the event of vehicle crash or rollover.
- d) The relief valve discharge from the propane cylinder shall not be less than 3 ft. measured horizontally along the surface of the vehicle to:
 - i. Openings in the vehicle
 - ii. Propane burning appliance intake or exhaust vents
 - iii. All internal combustion engine exhaust terminations

5. Propane Cylinder Equipment:

- a) All cooking appliances shall be listed for use with propane.
- b) Propane piping cannot be located on sides, rear or roof of unit.
- c) All appliances must be properly modified for use with propane.
- d) Appliances required to be vented (by the Manufacturers recommendations, usually greater than 40,000BTUs) must be converted for use with propane by a Master Plumber licensed by the Texas Railroad Commission.

Documentation of proper conversion by a plumber must be provided at the time of inspection.

- e) Piping systems, including fittings and valves shall comply with NFPA 58.
- f) Maximum of 60 inches of metal flex hose allowed for each appliance to connect to the propane hard pipe.
- g) Metal flex hose must not penetrate through walls, floor or ceiling to the interior of the vehicle. Rigid pipe must be used to penetrate solid assemblies.
- h) Piping shall be tested annually at not less than 3psig for 10 minutes before appliances are connected and at system pressure after connection by a licensed LP Gas technician. Documentation of test, within 90days of inspection, must be provided at time of inspection and must include:
 - i. Must provide original document at inspection. (Not a copy)
 - ii. Pressure and duration of test
 - iii. Name, address, license number and phone number of technician performing test.
 - iv. License plate number of mobile vending unit
- i) Documentation must include date of test, pressure and duration of test, name and license number of technician, and license number of vehicle.
- j) Manual shutoff valves on gas lines are required at the point of use (the appliance) and at the supply.

6. Fire Extinguishers:

- a) Each Mobile Unit will be required to have a proper fire extinguisher inside their vehicle (2A10BC fire extinguisher).
 - b) Each fire extinguisher will need to be mounted in a conspicuous location where it can be located quickly.
 - c) Each fire extinguisher will need to be serviced annually and maintain a current tag confirming its status.
 - d) Mobile units using a deep fryer will be required to have a Class K fire extinguisher in addition to the 2A10BC with hood and fire suppression.
 - e) Solid fuel appliances with a fire box are required to have one 2.5 gallon or two 1.5 gallon K type extinguishers.
- t. Failure to comply with these standards may result in the immediate administrative termination or temporary suspension of the mobile food court/park permit/certificate.

Sections 22-343 – 22-359 – Reserved.

Division 2. Enforcement

Sec. 22-360. Enforcement of article and remedies.

The city may institute, in any court of competent jurisdiction, an action to prevent, restrain, enjoin, correct or abate any violation of this article, or of any order or ruling made in connection with its administration or enforcement.

Sec. 22-361. Penalty for violation of article.

Each violation of this article or any regulation, order or ruling promulgated under this article shall, upon conviction, be punishable as provided in section 1-15. "General penalty; continuing violations" of the City's Code of Ordinances.

Section 22-362. Responsibility of acts of agents.

In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Article to hold an individual, a corporation, partnership or other association civilly or criminally responsible for acts or omissions performed by an agent acting in behalf of the individual, corporation, partnership or other association, and within the scope of his employment.

Section 22-363 – 22-379 Reserved.

Part 2: Appendix A "Fee Schedule" is amended to add the following provisions:

Chapter 22. Businesses

Article VI "Mobile Food Court(s)/Park(s)"

- a) Mobile Food Vendor Unit Certificate (Permit). The fee(s) for Mobile Food Vendor Unit Certificates (Permits) to operate in a Mobile Food Court(s)/Park(s) issued by the City shall be:
 - 1) Mobile Food Court(s)/Park(s) Vendor Certificate (Permits). The fee for a certificate (permit) to operate in a Mobile Food Court/Park only shall be Fifty Dollars (\$50.00), per Month, for each certificate (permit).

Part 3: If any section or part of a section of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that holding shall not invalidate or impair the validity, force or effect of any other section or part of a section of this ordinance or Code of Ordinances, City of Lampasas, Texas.

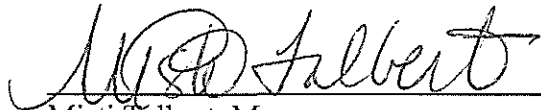
Part 4: This Ordinance supersedes and repeals all ordinances or parts of ordinances specifically amended herein as currently contained the existing ordinances of the City, if any; however, such existing ordinances, if any, shall remain in full force and effect until the effective date of this ordinance.

Part 5: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

PASSED AND APPROVED ON FIRST READING ON THIS 12th DAY of June, 2017.

PASSED AND ADOPTED ON SECOND READING ON THE 26th DAY of June, 2017.

APPROVED:


Misti Talbert, Mayor

ATTEST:


Christina Marez, City Secretary

APPROVED AS TO FORM:

Jo Christy Brown, City Attorney
(City Attorney's Signature Provided on Separate Page)