

TOWN OF LITTLE ELM

ORDINANCE NO. 1630

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING CHAPTER 26, "BUSINESSES AND BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF LITTLE ELM, BY AMENDING ARTICLE IV – FOOD AND FOOD PERMITS, DIVISION 1, SECTION 26-91 – DEFINITIONS AND ESTABLISHING SECTION 26-128 - FOOD TRUCKS, UNDER DIVISION 3; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHERE AS, the Town of Little Elm ("Town") is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Charter adopted on May 1, 2001; and

WHERE AS, the Town Council of the Town of Little Elm deems it to be in the best interest of the citizens of the Town of Little Elm to protect their health, safety and welfare by amending the Businesses and Business Regulations Ordinance; and

WHERE AS, current local conditions require additional standards in regard to food truck operations within the Town; and

WHERE AS, after due deliberations and consideration of any other information and materials received at the open meeting, the Town Council has determined that the amendments set forth herein should be adopted and that such amendments are in the best interest of the public health, safety, and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT AND ADOPTION. From and after the effective date of this ordinance, Chapter 26 - Businesses and Business Regulations, Article IV - Food and Food Permits of the Code of Ordinances of the Town of Little Elm, Texas, is hereby amended to read as follows:

- a. Division 1, Section 26-91 - Definitions shall be amended to include the following new definitions:

Sec. 26-91. - Definitions.

Food Truck – A vehicle-mounted, self-contained food establishment, or a food establishment pulled behind a vehicle, that maintains a fully operational cooking and prep area, provides food and/or alcohol service operation from a real property, is designed to be readily movable (including catering trucks, but excluding mobile units and stationary food vendors) and is used to prepare, store, display, serve and sell food and/or alcohol. Food trucks must completely retain their mobility at all times.

Food Truck Coordinator – A business entity that specifically serves as a coordinator between temporary site owner, food truck operator, and the Town of Little Elm. Coordinator must have a commercial/commissary kitchen and an agreement with EDC to assist food trucks in compliance with sales tax requirements.

Food Truck Temporary Site – An improved, developed site within the town that meets the requirements for business operations of food trucks on a temporary basis and limited duration (excluding park property owned by the town, but inclusive of property owned by the Little Elm Economic Development Corporation).

Food Truck Operator – The owner and/or operator of a food truck.

Host Business – A brick and mortar business that possesses a Certificate of Occupancy for a permanent use within the town, either for a food establishment or a food truck coordinator. Host business takes on the responsibility of acting as point-of-sale for a food truck to collect sales tax and remit to the town, as well as coordinating permit registration for each food truck to be hosted through said business host.

Mobile Unit: A vehicle-mounted food establishment, or a food establishment pulled behind a vehicle, so as to be readily movable, used to store, display, serve or sell prepackaged food and operates on-the-move, following a route plan (such as an ice cream truck). A mobile unit will be required to obtain a food truck permit if it operates as part of a food truck event on a food truck temporary site.

Temporary Site Owner – The real property owner or owner's authorized designee of a property, tract, parcel or land within the town which is to be used as a food truck temporary site.

- b. Section 26-128 - Food Trucks is hereby established under Division 3, and shall read as follows:

Sec. 26-128. – Food Trucks.

- (a) *Permits required.*

1. A host business is required to register with the town on an annual basis in order to be eligible to host a food truck operation within the town.
2. A host business is responsible for and required to obtain a biannual permit from the town, for the operation of each individual food truck on a food truck temporary site (food truck permit is not to be considerate as a special event permit).
 - a. Date stamped picture of the actual food truck.
 - b. A site plan of the proposed food truck temporary site, showing the proposed location of a food truck, or food trucks, within the context of the existing site shall be provided; must show property lines, setbacks, existing structures, parking requirements, utilities, fire lanes and easements, as well as shared parking locations across adjacent property lines, if applicable).
 - c. Proposed dates and hours of operation must be provided upon application.
3. All food trucks serving food within the town must have a food establishment permit, a physical copy of which must be kept in the food truck at all times. The permit must bear the name of the registered owner of the truck and truck license plate number.
4. Permits are subject to revocation pursuant to [Section 26-107](#). If a permit is revoked, the permit holder has the right to appeal in accordance with the provisions of [Section 26-107](#) and other applicable provisions of this article.

(b) *Exemptions.*

1. The regulations in this section shall not apply to food truck operations when such operations are:
 - a. Conducted by a school, church, or nonprofit organization on property owned by the said school, church, or nonprofit organization;
 - b. Conducted during a special event permitted under another town ordinance;
 - i. Food trucks coordinated through a Home Owners Association, when hosted within their own common areas, must obtain a special event permit instead of a food truck permit.
 - c. Conducted during a town-sponsored or -partnered event; or

- d. In coordination and as approved by the Parks and Recreation Department on park property.

(c) *Food Truck Temporary Site.*

1. It shall be unlawful for a person to operate a food truck temporary site without first having obtained approval of a site plan as part of a food truck permit.
2. A food truck temporary site requires a host business. The application shall indicate the host business and be signed by the host business' authorized representative.
3. A food truck temporary site owner shall first obtain all required permits and approvals necessary for the operation of the food truck temporary site.

(d) *Site and location criteria.*

1. Food trucks shall not be parked on unimproved surfaces, or in required parking spaces, fire lanes, dedicated easements, drive aisles, or other vehicular or pedestrian access ways.
2. Food trucks shall be:
 - a. Outside of required setback lines, as established by the Zoning Ordinance
 - b. At least 10 feet from interior property lines
 - c. At least 10 feet from any permanent structure, other Food Truck, or other vehicle
 - d. At least 15 feet from fire hydrants
 - e. At least five (5) feet from any utility box or ADA accessibility ramp
3. Unless coordinated through a Home Owners Association, food trucks shall not be located within 50 feet of a single-family dwelling unit. This measurement shall be taken from the property line of the dwelling unit to the closest point of the food truck temporary site.
4. Parking. Off-street parking shall be provided and maintained in accordance with Chapter 106 (Zoning Ordinance) to accommodate any existing uses on site. Overflow parking on adjacent properties shall be permitted only with the written consent of the adjacent property owner or owner's authorized representative.

Verified complaints of parking problems will result in denial of future food truck temporary site requests.

(e) *Other requirements.*

1. Operations.

- a. All transactions shall occur from the food truck.
- b. A food truck shall be permitted to operate only between the hours of 8am and 10pm (inclusive of set up and break down).
- c. Food trucks shall remain on wheels and drivable at all times.

2. Vehicles, generators, and other equipment shall be maintained so as to be in operable condition at all times, as well as up-to-date and in compliance with all relevant state registrations.

3. Exterior. Durable exterior-grade finishes and decorations shall be utilized for all exterior materials on the food truck and shall be maintained in accordance with minimum property, structural and health standards.

4. Signage. All signage and identification for the mobile food establishment shall be on or attached to the vehicle. Menu items may be displayed on sandwich boards which are not attached to the vehicle.

5. Refuse and Environment

- a. Provisions for containment and removal of refuse shall be reflected, reviewed and approved as part of the site plan process.
- b. No trash or grease shall be left at the site after the departure of the food truck, except in existing on-site containers specifically designed for such waste.
- c. Food truck operators and temporary site owners are responsible for mitigation of all environmental impacts, including best management practices of illicit discharge elimination.

(f) *Penalty.* A person commits an offense if the person violates the provisions of this article, or interferes with the director in the exercise of his or her duties under this section. Notwithstanding any provisions contained herein to the contrary, the director is hereby granted the authority to issue immediate citations to persons violating any provision of this article in the director's presence.

(g) *Responsible person.* If the owner, manager, person in charge at the time of inspection, or other responsible party of a permitted food truck temporary site is found to have violated any provisions of this section, a citation may be issued.

(h) The Director of Development Services shall have the discretionary authority to consider and approve exceptions to any of the requirements listed in this section based on compelling evidence of hardship on a case-by-case basis.

SECTION 3. SAVINGS. This Ordinance shall be cumulative of all other ordinances of the Town, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.


SECTION 5. SEVERABILITY. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council of the Town of Little Elm, Texas hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption in accordance with and as provided by law and the Town Charter.

PASSED AND APPROVED by the Town Council of the Town of Little Elm, Texas on the 17th day of August, 2021.

The Town of Little Elm, Texas

DocuSigned by:



727FE0F9CA75461...

Curtis Cornelious, Mayor

ATTEST:

DocuSigned by:



8ADD6B55CCA84BC...

Kate Graham, Acting Town Secretary

**ATTACHMENT – AMENDED AND NEW SECTIONS OF THE BUSINESSES AND
BUSINESS REGULATIONS ORDINANCE.**

Sec. 26-91. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

Beverage: A liquid for drinking, including water.

Child care center: Any facility licensed by the regulatory authority to receive 13 or more children for child care and that prepares food for on-site consumption.

Commissary: A catering establishment, restaurant or any other place in which food, food containers, or food supplies are kept, handled, prepared, packaged or stored. Commissary shall not mean a residential kitchen, but constitutes a commercial food service operation that is operated and maintained pursuant to state rules and regulations.

Comminuted: Reduced in size by methods including chopping, flaking, grinding or mincing. The term includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

Consumer: A person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

Critical violations: Critical items as defined on the food service establishment inspection report, distributed by the Texas Department of State Health Services, with a demerit weight of four or five and requiring immediate attention.

Director of planning and development or director: The director of planning and development of the town or the director's designated official.

Drinking water: Water that meets the standards of 30 Texas Administrative Code, Sections 290.101-290.121 (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Systems). The term is traditionally known as "potable water" and includes the term "water" except where the term connotes that the water is not potable, such as "boiler", "mop water," "rain," or "waste" water, and "nondrinking" water.

Extensive remodeling: The remodeling of a 20 percent or greater area of a food establishment, which necessitates obtaining a permit prior to performing any remodeling.

Follow-up inspection: Any inspection, other than a routine inspection or full follow-up re-inspection, of a permitted food establishment, after notice has been given to the establishment to correct a violation, conducted to document that the violation has been corrected.

Food: Raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

Food-borne illness: Diseases, usually either infectious or toxic in nature, caused by agents that enter the body through the ingestion of food.

Food-contact surface: A surface of equipment or utensil with which food normally comes into contact; or a surface of equipment or utensil from which food may drain, drip, or splash into a food, or onto a surface normally in contact with food.

Food establishment or establishment: A restaurant, cafe, dining room, grocery store, meat market, soft drink stand, hamburger stand, ice cream wagon, commissary, day care center or any place where food or drink for human consumption is offered for sale, given in exchange or given away, including temporary food establishments and mobile units. The term includes an element of the operation such as a transportation vehicle or a central

preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; a restaurant; a grocery store; an operation that is conducted in a mobile, roadside, stationary, temporary, or permanent facility where consumption is on or off the premises; and regardless of whether there is a charge for the food.

The term does not include the following operations and establishments, provided that the operations do not expose the public to a substantial and imminent health hazard as determined by the town health officer:

- (1) An establishment that offers only prepackaged foods that are not potentially hazardous; a produce stand that only offers whole, uncut fresh fruits and vegetables; a food processing plant; a kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function, such as a religious or charitable organization's bake sale; a bed and breakfast limited facility as defined in these rules; or a private home.
- (2) An organization that serves only its own membership and immediate guests or other structured groups of persons who gather occasionally for fellowship and society that provide the food from amongst their membership;
- (3) The sale, distribution or service of food at an event, party or other special gathering that is not open to persons other than the members or invited guests of the sponsor, provided that there is no public advertisement of the event, public solicitation of funds at or for the event, or participation by the general public in the event.

Food establishment permit or permit: The permit issued to a food establishment to operate within the town.

Food manager: A person who has shown proficiency of required information through passing a test that is part of a food protection management program accredited by the Texas Department of State Health Services, pursuant to 25 Texas Administrative Code, Section 229.172, and has responded correctly to questions as they relate to specific food operations.

Food Truck – A vehicle-mounted, self-contained food establishment, or a food establishment pulled behind a vehicle, that maintains a fully operational cooking and prep area, provides food and/or alcohol service operation from a real property, is designed to be readily movable (including catering trucks, but excluding mobile units and stationary food vendors) and is used to prepare, store, display, serve and sell food and/or alcohol. Food trucks must completely retain their mobility at all times.

Food Truck Coordinator – A business entity that specifically serves as a coordinator between temporary site owner, food truck operator, and the Town of Little Elm. Coordinator must have a commercial/commissary kitchen and an agreement with EDC to assist food trucks in compliance with sales tax requirements.

Food Truck Temporary Site – An improved, developed site within the town that meets the requirement for business operations of food trucks on a temporary basis and limited duration (excluding park property owned by the town, but inclusive of property owned by the Little Elm Economic Development Corporation).

Food Truck Operator – The owner and/or operator of a food truck.

Full follow-up re-inspection: A complete inspection of a permitted food establishment, which takes place after a full routine inspection that resulted in a rating in which the cumulative demerit value of the establishment exceeded 30 demerits.

Group residence: A private or public housing corporation or institutional facility that provides living quarters and meals. The term includes a domicile for unrelated persons, such as a retirement home, correctional facility, or a long-term health care facility.

Health code: Refers to the Texas Food Establishments," 25 Texas Administrative Code, Sections 229.161—229.171, and 229.173—229.175, as amended.

Host Business – A brick and mortar business that possesses a Certificate of Occupancy for a permanent use within the town, either for a food establishment or a food truck coordinator. Host business takes on the responsibility of acting as point-of-sale for a food truck to collect sales tax and remit to the town, as well as coordinating permit registration for each food truck to be hosted through said business host.

Imminent health hazard: A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury.

Law: Federal, state and local statutes, ordinances and regulations.

Mobile unit: A vehicle-mounted food establishment or a food establishment pulled behind a vehicle, so as to be readily moveable, used to store, display, serve or sell packaged food and operates on-the-move, following a route plan (such as an ice cream truck). A mobile unit will be required to obtain a food truck permit if it operates as part of a food truck event on a food truck temporary site.

Nonprofit organization: A civic or fraternal organization, charity, lodge, association, proprietorship, or corporation possessing an Internal Revenue Code, Section 501(c)(3) exemption; or a religious organization meeting the definition of "church" under the Internal Revenue Code, Section 170(b)(1)(A)(i).

Packaged: Bottled, canned, cartonned, securely bagged or securely wrapped, whether packaged in a food establishment or a food processing plant. The term does not include a wrapper, carry-out box or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

Permit: The document, issued by the regulatory authority, which authorizes a person to operate a food establishment.

Permit holder: The entity that is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and who possesses a valid permit to operate a food establishment.

Person: Any individual, partnership, corporation, association or other legal entity.

Person in charge: The person present in a food establishment who is the apparent supervisor of the food establishment at the time of inspection. If no person is the apparent supervisor, then any employee present is the person in charge.

Plumbing fixture: A receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

Plumbing system: The water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

Potentially hazardous food: Food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms; the growth and toxin production of clostridium botulinum; or, in raw shell eggs, the growth of salmonella enteritidis.

Premises: The physical facility, its contents, and the contiguous land or property under the control of the permit holder; or the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

Public water system: Has the meaning stated in 30 Texas Administrative Code, Sections 290.101—290.121 (relating to drinking water standards governing drinking water quality and reporting requirements for public water systems).

Pushcart: A non-self-propelled mobile food unit limited to serving non-potentially hazardous food or potentially hazardous foods requiring a limited amount of preparation as authorized by the regulatory authority. A pushcart is classified as a mobile food establishment.

Ready-to-eat food: Food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. The term includes unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food under 25 Texas Administrative Code, Section 229.164(k) (relating to food); raw, washed, cut fruits and vegetables; whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

Regulatory authority: The State of Texas and/or the town.

Routine inspection: An unannounced inspection conducted of a permitted food establishment to determine the compliance of the establishment with the provisions of this article.

Rules: The rules of the Texas Department of State Health Services, entitled "Texas Food Establishments," 25 Texas Administrative Code, Sections 229.161—229.171, and 229.173—229.175, as amended.

Sanitization: The application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, yield a reduction of five logs, which is equal to a 99.999 percent reduction of representative disease microorganisms of public health importance.

Sewage: Liquid waste containing animal or vegetable matter in suspension or solution and which may include liquids containing chemicals in solution.

Snow cone: Snow cone and/or a snow cone-type product defined as crushed or shaved ice served in a single-use container and topped with flavored syrups.

Special event: Any occasion including, but not limited to, fairs, shows, exhibitions, town-wide celebrations, festivals, etc., within a specifically-defined area of the town for a period of time established by the town council.

Stand: Any newsstand, table bench, booth rack, handcart, pushcart, vehicle or any other fixture or device used for the display or storage of articles offered for sale by a vendor or peddler. Such stands must be located at least ten feet away from all other property lines adjacent to a street.

Stationary cart: A food unit that serves only pre-packaged foods or foods requiring minimal preparation or handling from a cart that remains stationary at one location.

Supervisory personnel: The permit holder, the individual having supervisory or management duties, and any other person working in a food establishment who may be in charge of its operation.

Temporary food establishment: A food establishment that operates at a fixed location for a period of time of not more than the length of time associated with a single event or celebration.

Temporary Site Owner – The real property owner or owner's authorized designee of a property, tract, parcel or land within the town which is to be used as a food truck temporary site.

Town health officer: The person(s) employed by or with whom the town has a contract to provide inspection and other services necessary for the administration and enforcement of the rules and ordinances regulating food establishments and the service and sale of food within the town.

Vendor: Any individual who offers for sale food, beverages, goods, merchandise, or services to be performed immediately or in the future, from a certain location, for a period of more than 15 minutes, that is not within a

building or structure for which a certificate of occupancy is required by the town. This term shall not apply to businesses that operate from within a building or structure within the town for which a certificate of occupancy is required and also display or sell food, beverages, goods, merchandise, etc. outside.

Vending machine: A self-service device that, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

(Ord. No. 776, § 3, 8-15-2006)

Sec. 26-128. – Food Trucks.

(a) Permits required.

1. A host business is required to register with the town on an annual basis in order to be eligible to host a food truck operation within the town.
2. A host business is responsible for and required to obtain a biannual permit from the town, for the operation of each individual food truck on a food truck temporary site (food truck permit is not to be considerate as a special event permit).
 - a. Date stamped picture of the actual food truck.
 - b. A site plan of the proposed food truck temporary site, showing the proposed location of a food truck, or food trucks, within the context of the existing site shall be provided; must show property lines, setbacks, existing structures, parking requirements, utilities, fire lanes and easements, as well as shared parking locations across adjacent property lines, if applicable).
 - c. Proposed dates and hours of operation must be provided upon application.
3. All food trucks serving food within the town must have a food establishment permit, a physical copy of which must be kept in the food truck at all times. The permit must bear the name of the registered owner of the truck and truck license plate number.
4. Permits are subject to revocation pursuant to [Section 26-107](#). If a permit is revoked, the permit holder has the right to appeal in accordance with the provisions of [Section 26-107](#) and other applicable provisions of this article.

(b) Exemptions.

1. The regulations in this section shall not apply to food truck operations when such operations are:
 - a. Conducted by a school, church, or nonprofit organization on property owned by the said school, church, or nonprofit organization;
 - b. Conducted during a special event permitted under another town ordinance;

-
- i. Food trucks coordinated through a Home Owners Association, when hosted within their own common areas, must obtain a special event permit instead of a food truck permit.
 - c. Conducted during a town-sponsored or -partnered event; or
 - d. In coordination and as approved by the Parks and Recreation Department on park property.

(c) Food Truck Temporary Site.

- 1. It shall be unlawful for a person to operate a food truck temporary site without first having obtained approval of a site plan as part of a food truck permit.
- 2. A food truck temporary site requires a host business. The application shall indicate the host business and be signed by the host business' authorized representative.
- 3. A food truck temporary site owner shall first obtain all required permits and approvals necessary for the operation of the food truck temporary site.

(d) Site and location criteria.

- 1. Food trucks shall not be parked on unimproved surfaces, or in required parking spaces, fire lanes, dedicated easements, drive aisles, or other vehicular or pedestrian access ways.
- 2. Food trucks shall be:
 - a. Outside of required setback lines, as established by the Zoning Ordinance
 - b. At least 10 feet from interior property lines
 - c. At least 10 feet from any permanent structure, other Food Truck, or other vehicle
 - d. At least 15 feet from fire hydrants
 - e. At least five (5) feet from any utility box or ADA accessibility ramp
- 3. Unless coordinated through a Home Owners Association, food trucks shall not be located within 50 feet of a single-family dwelling unit. This measurement shall be taken from the property line of the dwelling unit to the closest point of the food truck temporary site.

-
4. Parking. Off-street parking shall be provided and maintained in accordance with Chapter 106 (Zoning Ordinance) to accommodate any existing uses on site. Overflow parking on adjacent properties shall be permitted only with the written consent of the adjacent property owner or owner's authorized representative. Verified complaints of parking problems will result in denial of future food truck temporary site requests.

(e) Other requirements.

1. Operations.
 - a. All transactions shall occur from the food truck.
 - b. A food truck shall be permitted to operate only between the hours of 8am and 10pm (inclusive of set up and break down).
 - c. Food trucks shall remain on wheels and drivable at all times.
2. Vehicles, generators, and other equipment shall be maintained so as to be in operable condition at all times, as well as up-to-date and in compliance with all relevant state registrations.
3. Exterior. Durable exterior-grade finishes and decorations shall be utilized for all exterior materials on the food truck and shall be maintained in accordance with minimum property, structural and health standards.
4. Signage. All signage and identification for the mobile food establishment shall be on or attached to the vehicle. Menu items may be displayed on sandwich boards which are not attached to the vehicle.
5. Refuse and Environment
 - a. Provisions for containment and removal of refuse shall be reflected, reviewed and approved as part of the site plan process.
 - b. No trash or grease shall be left at the site after the departure of the food truck, except in existing on-site containers specifically designed for such waste.
 - c. Food truck operators and temporary site owners are responsible for mitigation of all environmental impacts, including best management practices of illicit discharge elimination.

(f) *Penalty.* A person commits an offense if the person violates the provisions of this article, or interferes with the director in the exercise of his or her duties under this section. Notwithstanding any provisions contained herein to the contrary, the director is hereby granted the authority to issue immediate citations to persons violating any provision of this article in the director's presence.

(g) *Responsible person.* If the owner, manager, person in charge at the time of inspection, or other responsible party of a permitted food truck temporary site is found to have violated any provisions of this section, a citation may be issued.

(h) The Director of Development Services shall have the discretionary authority to consider and approve exceptions to any of the requirements listed in this section based on compelling evidence of hardship on a case-by-case basis.



Town of Little Elm

100 W. Eldorado Parkway, Little Elm, Texas, 75068

www.littleelm.org

FOOD TRUCK PERMIT CHECKLIST

GENERAL INFORMATION

- 1) A host business is responsible for and required to obtain a biannual permit from the town, for the operation of each individual food truck on approved property within the Town of Little Elm. See *Section 26-91 Definitions* and *Section 26-128 Food Trucks* for additional information.
- 2) All food trucks serving food within the town must have a food establishment permit, a physical copy of which must be kept in the food truck at all times. The permit must bear the name of the registered owner of the truck and truck license plate number.
- 3) The Town of Little Elm is completely paperless in terms of submittals and resubmittals. The application must be completed, and all required materials must be submitted, on-line through the MyGov portal.

Applicant	Staff	Food Truck Permit Requirements
APPLICATION CONTENTS		
		Host Business Certificate of Occupancy Number
		Food Truck Food Establishment Permit Number
		If overflow parking is to be provided on adjacent property, written consent of the adjacent property owner or owner's authorized representative.
		Food Truck Temporary Site Plan in PDF, see exhibits list below for requirements.
		Date stamped picture of the food truck and Proposed dates and hours of operation
		Fees (see fee chart)
EXHIBITS		
		Proposed location of food truck/s within the context of the existing site (show food truck dimensions, if multiple food trucks, show separation dimension)
		Property lines and dimension from food truck/s to nearest property line
		Setbacks required per zoning (front yard, rear yard, side yards, as applicable)
		Food Truck is outside of required setback lines, as established by the Zoning Ordinance
		Food Truck is at least 10 feet from interior property lines
		Food Truck is at least 10 feet from any permanent structure, other Food Truck, or other vehicle
		Food Truck is at least 15 feet from fire hydrants
		Food Truck is at least five (5) feet from any utility box or ADA accessibility ramp
		Parking requirements (total parking required for the property overall and total parking being taken for the food truck).
		If additional parking is being provided on adjacent property, show shared parking locations across adjacent property lines
		Fire lanes and easements (utilize existing plat or survey for reference)
		Additional items as requested by Town Staff

Certification of Submitted Information

I hereby certify that the above stated information is included with the accompanying submission materials.

Applicant's Signature

Date