

ORDINANCE NO. _1197_

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CITY OF KEMAH CODE OF ORDINANCES, BY ADDING THE TERM AND DEFINITION OF “FOOD TRUCK PARK”, “MOBILE FOOD UNIT”, “MOBILE FOOD TRUCK” IN SECTION 50-61 AND PROVIDING FOR AN ADDITIONAL EXCEPTION AS TO LOCATION RESTRICTIONS ALLOWING MOBILE FOOD TRUCKS AT A PREVIOUSLY APPROVED FOOD TRUCK PARK IN SECTION 50-62, AND BY ADDING SECTION 50-63 REGULATING A FOOD TRUCK PARK WITH GENERAL OPERATIONS, MANDATORY REQUIREMENTS FOR A FOOD TRUCK PARK, PROVIDING FOR COMPLIANCE AND PENALTY PROVISIONS, PROVIDING A REPEALING CLAUSE, PROVIDING FOR A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council for the City of Kemah has determined that regulations are needed to be updated to address regulations for Mobile Food Trucks and now for any Food Truck Park.

WHEREAS, The City Council has determined that regulations are needed immediately to protect the public health, safety, morals and general welfare.

WHEREAS, The City of Kemah has approved one food truck park concept prior to making its latest revisions to the mobile food truck ordinance and no exception was made for the previously approved food truck park concept. Therefore, this amended ordinance will make said exception for the food truck park concept previously approved by council and will regulate any and all food truck parks in the future.

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

SECTION 1 That portions of Chapter 50 of the City of Kemah Code of Ordinances are hereby amended by adding the definitions for “food truck park”, “mobile food vendor”, mobile food unit” and “mobile food truck” to Sections 50-61, which shall read as follows:

Food Truck Park means any non-residential real property designated by the City of Kemah as an acceptable “Food Truck Park” or similarly described approved site plan intending to house or temporarily housing one or more Mobile Food Trucks this is or will be operated on site and the site plan meets the minimum requirements in Section 50-63(b) herein.

Mobile Food Truck shall mean a *Mobile Food Vehicle* as defined herein.

Mobile Food Unit shall mean a *Mobile Food Vehicle* as defined herein.

SECTION 2. That portions of Chapter 50 of the City of Kemah Code of Ordinances are hereby amended by adding a new section to Exceptions to Location Restrictions in Section 50-62

(b)(1)(d), which shall read as follows:

d. If, as, and when an applicant for a mobile food vehicle has previously obtained a Galveston County permit to operate a Mobile Food Vehicle and desires to be located in a permitted food truck park, as defined herein, and the placement of that applicant's truck has been accepted in writing by the owner and/or operator of the permitted food truck park, the location shall be lawful despite its proximity to any residential structure.

SECTION 3 That portions of Chapter 50 of the City of Kemah Code of Ordinances are hereby amended by adding a new Section 50-63 subsections (a) and (b) regulating a Food Truck Park, which shall read as follows:

Section 50-63. – Food Truck Park Regulations

Intent: To provide a means of permitting a Food Truck Park while protecting the public interest and health of the patrons and residents of City of Kemah

(a) General Operations:

- (1) A Food Truck Park shall not be permitted to operate within 200 feet of a residence (measured from property line to property line) except where the City has previously approved a specific site plan allowing a Food Truck Park as defined herein and that site has not ceased to operate as a Food Truck Park with one or more Mobile Food Vehicles on site for a year or longer. Provided however, if a site plan previously approved does not operate as a Food Truck Park for one year or longer, then this limited distance exception shall no longer apply to that specific location. The only such Food Truck Park approved at the time of the passage of this ordinance is at 604 Kipp Avenue, Kemah, Texas 77565, where its site plans included the concept of operating up to four Mobile Food Vehicles on site.
- (2) It shall be unlawful to allow or permit a Mobile Food Vehicle to operate at a Food Truck Park without a Food Truck Park Permit.

(b) Food Truck Park Requirements:

- (1) To be permitted, a Food Truck Park shall have all of the following on site:
 - a. Permanent bathrooms
 - b. Water and sewer connections for each Mobile Food Vehicle
 - c. Perimeter Fencing
 - d. City Engineer Approved drainage plans
 - e. No less than two large trash receptacles per Mobile Food Vehicle.
 - f. Concrete or other approved parking surface for each and every Mobile Food Vehicle.
- (c) It shall be unlawful to allow or permit at any time a Mobile Food Vehicle to operate at a permitted Food Truck Park without all requirements met in Section 50-63(b)(1) herein.

- (d) Should any holder of a Food Truck Park Permit fail or refuse to maintain in a good and workmanlike manner any of the required items in Section 50-63(b)(1), after 10 days-notice of the defect, the City may revoke the Food Truck Park Permit until the defects are cured.

Section 4. That portions of Chapter 50 of the City of Kemah Code of Ordinances are hereby amended by adding a new Section 50-64 subsections A, B and C regarding Compliance and Penalty Provisions, which shall read as follows:

Section 50-64. Compliance and Penalty provision:

- A. Any violation of this Ordinance shall be a Class C misdemeanor and shall be punished by a fine not to exceed the maximum permitted by law. Each day that a violation is committed or permitted to exist shall constitute a separate offense.
- B. Prosecution under this Ordinance shall not require the pleading or proving of any culpable mental state.
- C. Penalties provided for in this Ordinance are in addition to any other criminal or civil remedies that the City of Kemah may pursue under federal, state, or local law.

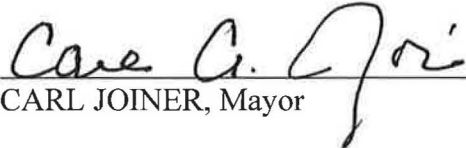
SECTION 5: that all provisions of the Ordinances of the City of Kemah in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6: That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal, or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 7: An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Duly Passed and Approved on the First Reading this the 16th day of February, 2022.


Duly Passed and Approved on the Final Reading this the 16th day of February, 2022


CARL JOINER, Mayor

ATTEST:


Chandra Jobb, City Secretary

APPROVED AS TO FORM AND CONTENT:



Dick H. Gregg, III, City Attorney