

ORDINANCE NO. 491

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS PROVIDING RULES AND REGULATIONS FOR MOBILE FOOD VENDOR COURTS/PARKS AND MOBILE FOOD VENDORS LOCATED IN MOBILE FOOD VENDOR COURTS/PARKS.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by Mayor Narvaez that the Ordinance be finally passed and adopted in accordance with the City’s Home Rule Charter. The motion was seconded by Councilmember Javier Mendez and carried by the following voted:

Mayor Polo Narvaez	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against	<input type="checkbox"/> Abstained
Mayor Pro-tem Yolanda H. Cruz	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against	<input type="checkbox"/> Abstained
Councilmember Swain Real	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against	<input type="checkbox"/> Abstained
Councilmember Javier Mendez	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against	<input type="checkbox"/> Abstained
Councilmember Bibi Garza	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against	<input type="checkbox"/> Abstained
Councilmember Juan Munoz	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against	<input type="checkbox"/> Abstained

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS.

SECTION 1. MOBILE FOOD VENDOR COURTS/PARKS

DEFINITIONS

- (a) *Definition.* A mobile vendor food court or food truck park is any parcel of land where three or more mobile food vendors congregate to offer food or beverages for sale to the public.
- (b) *Location.* Mobile vendor food courts will be allowed on private property located within city limits.
- (c) *Developer requirements.* The developer of the food truck park will be responsible for adhering to site development standards, drafting food court rules, hiring a park manager, and meeting all permitting requirements.
- (d) *Zoning requirements.* The property must be located within one of the zoning districts listed below. All setback requirements of the zoning district shall be adhered to.
 - (1) C2- Highway Commercial
 - (2) C4- Heavy CommercialNo conditional use permits allowed.

SECTION 2. REQUIRMENTS FOR MOBILE FOOD VENDOR COURTS/PARKS

- (1) Cost of mobile food vendor court/park permit (if approved): see fee schedule.
- (2) All plans for site work, installation, construction, utility connections, signs and operation must be approved by all pertinent departments, including but not limited to health, fire, public works, traffic, building inspections, and zoning. All other department fees apply.
- (3) The following site requirements must be met in order to issue a permit:
 - a. Minimum mobile food vendors: three.
 - There shall be at least ten feet of clearance between all individual food trucks.
 - The maximum number of mobile food vendors allowed on site will depend on the size of the lot. A site plan showing the layout of the park and position of food trucks must be submitted.
 - b. The site must be covered in all-weather surface such as asphalt or concrete.
 - c. Each food truck shall be located on an all-weather surface (i.e., concrete or asphalt). All mobile food vending units shall be placed on this surface and in no case shall they be parked on unimproved surfaces.
 - d. Electrical service must be provided for each individual mobile food unit by a permitted electrical contractor. Refer to the city's electrical permit requirements.
 - e. One main water connection that meets Texas Water Code regulations and the city's plumbing permit requirements must be provided for on-site use. One water connection must be provided for every two mobile food vending units.
 - f. Accessible restroom facilities: A minimum of one male and one female restroom must be provided within a permanent structure and must be in compliance as set forth by the Americans with Disabilities Act. Portable sanitary facilities will not be allowed. The number of restrooms required may vary depending on the size of the park.
 - g. Garbage receptacle: At minimum, one two-yard commercial garbage receptacle shall be provided and must be located on site, accessible to all vendor activities, and a minimum of 50 feet away from all mobile food vending units and seating area(s). A larger garbage receptacle may be required depending on lot size and number of mobile food vendors on site. Must include required dumpster enclosure as per city's garbage ordinance.
 - h. Parking: A minimum of three parking spaces for every one mobile food vendor (food truck) is required
 - i. Bicycle parking: One bike rack that can accommodate a minimum of seven bikes.
 - j. Signage: One sign identifying the food truck park is permitted at the entrance. No food truck shall be allowed to install any physical addition to the food truck unit. The truck itself should function as a large-scale sign. No signage other than what is exhibited on the truck bodywork or inside the mobile food truck may be displayed.
 - k. Seating area(s): Seating must be provided for patrons within the proposed site. Seating layout must be included in site plan. A minimum of six (6) seats per mobile vendor is required.

1. Grease trap: At minimum, a 500-gallon grease interceptor (based on the fats, oils, and grease (FOG) ordinance and the International Plumbing Code) must be installed. The city must approve grease trap installments at the time of site plan review.

SECTION 3. VIOLATIONS AND NON-COMPLIANCE FOR MOBILE FOOD VENDOR COURT/PARK

- (1) If the city determines that activities are being carried out in violation of this chapter, a notification of non-compliance shall be issued and a penalty of \$1,000.00 will be applied.
- (2) All issues of non-compliance will have to be corrected within five working days. If the developer fails to correct issues, then the issued permit will be revoked.

SECTION 4. MOBILE FOOD VENDORS LOCATED IN FOOD COURT/PARKS

A. REQUIRMENTS

- (1) No vending will be allowed from a vacant lot.
- (2) All mobile vendors operate with equipment and/or displays that can be entirely removed from the site at the end of each day of operation.
- (3) All mobile vendors shall have permission from the owner of record of the property on which the use is to be located where an already established legally conforming business use exists to allow the vendor to share the parking and restroom facilities provided and maintained by the main business use on the lot.
- (4) All mobile vendors shall fill out completely a mobile vendor's permit and pay a fee as established in the fee schedule.
- (5) The building department (and other departments as necessary) shall inspect the site for compliance to normal regulations such as health requirements for a food vendor, parking requirements for the total site.
- (6) Once issued, the maximum length of time allotted by a mobile vendor's permit shall be no more than six (6) months from the issuance date.
- (7) A mobile vendor's permit may be renewed any number of times by following the specifications set forth in this section as long as the property owner is willing to continue to allow the use of bathroom and parking facilities and both businesses continue to be in compliance with all applicable ordinances.

B. HEALTH AND SANITATION REQUIREMENTS FOR MOBILE FOOD VENDORS IN MOBILE FOOD COURT/PARKS

- (1) All mobile food vendors shall be designed to meet all applicable city health department requirements and obtain a permit. Health permit fees are separate from the licensing fee.
- (2) For mobile food vendor requirements, refer to the Texas Food Establishment Regulation § 228.169(a).

- (3) Manufactured food trucks and trailers will be the only allowable type of mobile food vending unit allowed within food truck parks.
- (4) No roaming food trucks or trailers will be allowed within city limits.

SECTION 5. SEVERABILITY

If any part of this Ordinance is, or should be held invalid for any reasons, then that fact shall not invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect immediately upon approval.

SECTION 7. PUBLICATION

The City Secretary of the City of Los Fresnos is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance to be published in a newspaper having a general circulation in the City of Los Fresnos, Texas.

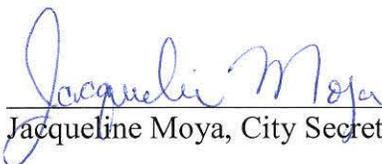
INTRODUCED and APPROVED on the first reading this day 13th of March, 2018.

APPROVED and PASSED on the second and final reading this day 10th of April, 2018.



Polo Narvaez, Mayor

ATTEST:



Jacqueline Moya, City Secretary

