

ORDINANCE NO. 21-08

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING SECTION 10-31 OF ARTICLE I OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND (MOBILE FOOD UNITS); INCREASING THE LIMIT OF PERMITS; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR PUBLICATION IN CAPTION FORM.

WHEREAS, the City of South Padre Island has enacted Ordinances regulating Mobile Food Units which Ordinances have been codified as Articles I through VI of Chapter 10 of the Code of Ordinances of the City of South Padre Island; and,

WHEREAS, City staff has observed and monitored the landscape, environment, demand and the market for Mobile Food Units in the City of South Padre Island, and after cautiously monitoring the traffic, health, and safety concerns, and the need and demand for additional Mobile Food Units, and after considering the ability of City staff to absorb any additional work, the City Council has determined that the number of Mobile Food Units limited under Chapter 10 of the City code of Ordinances should be increased; and

WHEREAS, because of the above outlined recitations, which the City Council finds to be true, the City Council has determined and finds that there now exists a need to amend Chapter 10 of the City Code of Ordinance to allow an increase in the current limit of permits issued by the City for Mobile Food Units.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SOUTH PADRE ISLAND, TEXAS:

SECTION 10-31 of Chapter 10 of the Code of Ordinances of the City of South Padre Island pertaining to Mobile Food Units is hereby amended to update the following:

Sec. 10-31. Mobile food units.

(A) In this section:

- (1) *Permit holder* means the person to whom the health authority issues a permit for a mobile food unit permit required by Chapter 10 of the Code of Ordinances.
- (2) *Mobile food unit (MFU)* has the meaning established in Title 25, Part 1, Chapter 228 Subchapter A (Definitions) of the Texas Administrative Code and shall also mean a vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to catering trucks and trailers) and used to store, prepare, display, serve or sell food. Mobile units must completely retain their mobility at all times. A Mobile Food Unit does not include a stand or a booth.
- (3) Push carts and roadside food vendor are strictly prohibited.

(B) All mobile food units shall comply with all applicable laws, including the requirements of this article, except as otherwise provided in this section. The Environmental Health Director or designee may impose additional requirements to protect against health hazards related to the conduct of mobile food units and may prohibit the sale of potentially hazardous foods. The provisions of this section shall be enforceable by the Environmental Health Director or designee.

(C) Mobile Food Unit and Permit Requirements.

(1) Designated Areas. The designated areas for mobile food units are District zoned "EDC" ("Entertainment District Core"), "BF" ("Bay Front"), and "PBN" ("Padre Boulevard North").

(2) No more than eighteen (18) mobile food unit permits may be issued per month on the Island.

(3) Applicant must be supported locally and have the signature of an owner or designee of a licensed, free-standing food unit on South Padre Island before being eligible for a permit. Limit one local owner's (or designee's) signature per applicant.

(4) Permit fees are as follows:

(a) September through February a monthly fee of \$100 shall be charged;

(b) March through August a monthly fee of \$500 shall be charged; or

(c) January through December (calendar year), yearly fee of \$1,800 shall be charged.

(D) The City Manager or City Council may authorize additional "Designated Areas" with additional Mobile Food Establishments as needed.

(E) A mobile food unit:

(1) Must obtain a health permit by the Health Director.

(2) Must demonstrate mobility of the mobile food unit at any time, if requested by the Environmental Health Director or designee.

(3) Must provide hand washing facilities within the mobile food truck (i.e. an insulated container with a spigot that can be turned on to allow potable, clean, free flowing warm water; a wastewater container); soap; disposable towels; and a waste receptacle.

(4) Must show evidence that restrooms and hand washing will be provided for patrons as necessary.

(5) Must have a current Texas Department of Motor Vehicle Registration Sticker.

- (6) Must provide single-service articles, which are biodegradable or recycled products, for use by the consumers.
- (7) All mobile food units may participate in South Padre Island special events.
- (F) The permit holder of a mobile food unit:
 - (1) Must comply with all requirements of Chapter 10 of the Code of Ordinances.
 - (2) Must apply to the Environmental Health Services Department prior to selling anything.
 - (a) A mobile food establishment permit is valid for 30 days.
 - (3) Must submit proof of Sales and Use Tax Permit issued by the State of Texas. If the permit allows multiple locations, then you must provide evidence of being a "list filer" and show proof that the City of South Padre Island is included on that list.
 - (4) Must display, at all times, the Health Permit in a conspicuous place where it can be easily read by the general public on the mobile food unit.
 - (5) Shall keep the area around the mobile food establishment clear of litter and debris at all times.
 - (6) Shall have adequate and approved garbage and refuse storage facilities for the operator's use and shall have garbage and refuse storage facilities immediately adjacent to the exterior of the mobile food establishments that are insect and rodent-proof for use by consumers. All garbage, refuse and garbage containers must be removed by the Mobile Food Unit upon departure.
 - (7) Shall obtain a permit from the Fire Department for the use of Liquid Propane gas equipment for each mobile food establishment and shall make the permit available for inspection upon the request of the Fire Chief or designees or the Environmental Health Director or designee, if liquid propane is utilized by the Mobile Food Unit.
- (G) A mobile food unit may use a barbecue pit when:
 - (1) Must be enclosed in a trailer or the mobile food unit.
 - (2) The barbecue pit is used only for cooking. Processing, portioning, preparation, or assembly of food must be conducted from inside the mobile food establishment.
 - (3) A hand-washing system as defined in the Texas Food Establishment Rules, is provided adjacent to the barbecue pit.
 - (4) Food from a barbecue pit must be protected from the elements at all times. Including but not limited to airborne debris, flying insects, birds, and bird droppings.
- (H) A mobile food unit is limited to signs as required by Chapter 15. The signs must be secured and mounted flat against the mobile food unit, and may not project more than six inches from the exterior of the mobile food unit.

(I) A permanent water or wastewater connection is prohibited.

(1) All water used in the mobile food unit must be from an approved public water system. A mobile food unit may also use commercially bottled water.

(2) The materials that are used in the construction of a mobile food unit's water tank and accessories shall be safe, durable, corrosion resistant, nonabsorbent, and finished to have a smooth and easily cleanable surface.

(3) A wastewater holding tank in a mobile food unit shall be sized 15% larger in capacity than the water supply tank and sloped to a drain that is 1 inch in inner diameter or greater and equipped with a shut off valve.

(4) Mobile Food Unit tank inlet.

A Mobile Food Unit's water tank inlet shall be:

(a) 19.1mm ($\frac{3}{4}$ inch) in inner diameter or less and

(b) Provided with a hose connection of a size or type that will prevent its use for any other service.

(c) Fill hose and water holding tank shall be labeled as "Potable Water."

(J) Electrical service may be provided by:

(1) Temporary service;

(2) An onboard generator with the making of noise not to exceed (75) decibels; or

(3) Solar panels.

(K) A mobile food unit's construction:

(1) Exterior shall be of weather-resistant materials and shall comply with all applicable laws.

(2) Interior shall be constructed of smooth, durable, easily cleanable surfaces.

The mobile food unit shall be completely enclosed. No open truck beds; windows shall be screened or kept closed.

(3) The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair and kept clean.

(L) Appointments for Mobile Food Unit inspections may be made by contacting the Environmental Health Department at (956) 761-8123, Monday—Friday, 8:00 a.m.—5:00 p.m., excluding holidays.

(M) All permit holders shall comply with this section. A violation of this section shall be fined as provided by Section 21-2 of the Code of Ordinances.

PASSED, APPROVED AND ADOPTED on First Reading, this 5th day of May 2021.

PASSED, APPROVED AND ADOPTED on Second Reading, this 19th day of May 2021.



ATTEST:

ISLAND, TEXAS

CITY OF SOUTH PADRE


Angelique Soto, City Secretary


Patrick McNulty, Mayor