

ORDINANCE 2025-12

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 4 – BUILDING REGULATIONS, ARTICLE 4.04 – TEMPORARY STRUCTURES, OF THE CITY OF WIMBERLEY CODE OF ORDINANCES AMENDING DURATION OF PERMITS; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Wimberley Code of Ordinances currently allows temporary structures, including mobile food vendors, in the City Center Overlay; and

WHEREAS, the Council finds that mobile food vendors are appropriate in the downtown area to promote businesses and support economic development; and

WHEREAS, the City Council has reviewed the current permit duration for mobile food vendors in the city center overlay and has determined that a longer permit duration may better support these businesses; and

WHEREAS, the City Council believes that amending the permit duration to one year is consistent with the goals and objectives of the City and the purpose of the city center overlay

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

1. Findings of Fact

Chapter 4 (Building Regulations), Section 4.04 (Temporary Structures) of the City of Wimberley Code of Ordinances is hereby amended to read as outlined in the attached (**Exhibit A**).

2. Savings.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

3. Severability.

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

4. Repealer.

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

5. Effective Date.

This Ordinance shall immediately upon its passage, publication and other authorizations as may be required by law.

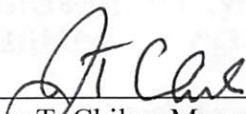
6. Proper Notice and Meeting.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

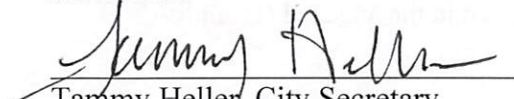
PASSED AND APPROVED this 1st day of May, 2025, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By:


James T. Chiles, Mayor

ATTEST:


Tammy Heller, City Secretary

APPROVED AS TO FORM:



City Attorney



EXHIBIT A

ARTICLE 4.04 TEMPORARY STRUCTURES

Sec. 4.04.001 Definitions

Edible goods include, but are not limited to:

- (1) Prepackaged food including, but not limited to, candy, beverages, and ice cream.
- (2) Prepared food including, but not limited to, hot dogs, desserts, and pizza.
- (3) On-site prepared food including, but not limited to, shaved ice, sandwiches, and tacos.

Mobile food vendor means any business that sells edible goods from a non-stationary location within the city. The term shall include, but not be limited to:

- (1) *Mobile food trucks*: A self-contained motorized unit selling items defined as edible goods.
- (2) *Concession carts*: Mobile vending units that must be moved by nonmotorized means.
- (3) *Concession trailers*: A vending unit that is pulled by a motorized unit and has no power to move on its own.

Temporary structure means any structure, building, trailer, tent or enclosure of any kind used for storage, commercial or business purposes which any person or business intends to place on the same lot with or on any lot immediately adjacent to any permanent structure used for business or commercial purposes.

(Ordinance 2012-007 adopted 2/16/12; Ordinance 2016-007, § 151.100(A), adopted 3/3/16)

Sec. 4.04.002 Penalty

Any person who violates any provision of this article for which no other penalty is provided shall, upon conviction, be subject to penalties as set forth in section 1.01.009 of this Code.

(Ordinance 2012-007 adopted 2/16/12; Ordinance 2016-007, § 151.100(I), adopted 3/3/16)

Sec. 4.04.003 Allowable temporary structures

Except where prohibited below, a temporary structure is permitted only on commercially zoned property with prior city council authorization.

Sec. 4.04.004 Prohibited locations

Any temporary structure is prohibited from being installed or constructed on residentially zoned property or on property within the city center overlay, as defined in section 9.03.222, with the exception of temporary structures required for special events authorized by the city council or mobile food vendors that satisfy the requirements of section 4.04.009.

(Ordinance 2012-007, adopted 2/16/12; Ordinance 2016-007, § 151.100(C), adopted 3/3/16; Ordinance adopting 2018 Code)

Sec. 4.04.005 Application for permit

Prior to seeking approval, an applicant shall file a permit application with the city stating:

- (1) The name and address of the person or business seeking the permit;
- (2) A particular description of where the proposed temporary structure or accessory structure will be erected, constructed or placed;
- (3) The need for such structure;
- (4) The period of time the proposed structure will be present on the property; and
- (5) A particular description, including the dimensions, of the temporary structure or accessory structure to be erected, constructed, or placed upon the property.

(Ordinance 2012-007, adopted 2/16/12; Ordinance 2016-007, § 151.100(D), adopted 3/3/16)

Sec. 4.04.006 City council authorization

Prior to installation of a temporary structure the city council must approve an application for a temporary structure subject to the requirements of this article. The council may impose additional conditions as necessitated by the scope of the application and has discretion to deny an application for any reason. The applicant shall submit a completed application form prescribed by the city and pay any applicable application or inspection fees.

(Ordinance 2012-007, adopted 2/16/12; Ordinance 2016-007, § 151.100(E), adopted 3/3/16)

Sec. 4.04.007 Emergency installation by governmental agency

A temporary structure may be installed or constructed by a governmental entity in order to address an emergency that affects the public's health safety and welfare. The governmental entity shall advise the city administrator prior to or in no event later than 24 hours after erection of the temporary structure.

(Ordinance 2012-007, adopted 2/16/12; Ordinance 2016-007, § 151.100(F), adopted 3/3/16)

Sec. 4.04.008 Requirements

Any permitted temporary structure shall comply with the following:

- (1) *Permission to use property.* If the applicant is not the owner of the property where the proposed temporary structure is to be located, the applicant must provide written proof from the property owner documenting permission to use the property.
- (2) *Compliance with applicable regulations.* Any such temporary structure erected, constructed, or placed upon property shall comply with all applicable provisions of this Code of Ordinances, including the fire, electrical, and building codes. No part of a temporary structure shall be located on any public property or in the right-of-way except with express permission of the city council.
- (3) *Ingress and egress; fire safety.* The temporary structure must have sufficient ingress and egress for the public and must be inspected to ensure it complies with all fire requirements including extinguishers, signage and type of materials used for the structure.
- (4) *Food service.* The applicant must have an inspection prior to selling food or beverage products.

- (5) *Restrooms.* The applicant must provide adequate restroom facilities or provide written documentation evidencing access to restroom facilities. The applicant's temporary use cannot cause another's septic facility to exceed its capacity limits.
- (6) *Appearance.* The structure and all decorations shall be compatible with the Hill Country and no products shall be displayed or stored outside of the temporary structure.
- (7) *Documentation from engineer.* Documentation from an engineer may be required depending on the type, construction and location of a temporary structure.
- (8) *Parking.* Parking on-site or permission to park on an adjoining property must be secured.
- (9) *Signage.* Signage shall be limited to one sign with a face area of two feet by two feet.
- (10) *Removal.* All such temporary structures or accessory uses or structures shall be removed from the property at the expiration of the time period defined in the permit.

(Ordinance 2012-007, adopted 2/16/12; Ordinance 2016-007, § 151.100(G), adopted 3/3/16)

Sec. 4.04.009 Mobile food vendors in city center overlay

A mobile food vendor may be permitted in the city center overlay subject to the following:

- (1) A mobile food vendor must apply for and obtain a mobile food vendor city center overlay permit from the city council. The maximum duration of such permit shall be ~~three months, but the applicant may apply for renewal one year and applicant must apply annually for a new permit.~~
- (2) The operator must comply with all temporary structure requirements under section 4.04.008.
- (3) A mobile food vendor may not be located within 100 feet of the primary entrance of an open and operating fixed-location eating establishment. This buffer may be reduced upon receiving written permission from said establishments.
- (4) Each unit shall be equipped with a portable trash receptacle and shall be responsible for proper disposal of solid waste and wastewater in an approved fixed-location food service establishment.
- (5) Continuous music or repetitive sounds shall not project from the mobile unit.
- (6) A five-foot clear space shall be maintained around the mobile food vending unit.

(Ordinance 2016-007, § 151.100(H), adopted 3/3/16; Ordinance adopting 2018 Code)