

ORDINANCE NO. 2018-08

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, REGULATING THE OPERATION OF MOBILE FOOD VEHICLES IN THE VILLAGE OF SALADO; REQUIRING A PERMIT; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SEVERABILITY, PENALTIES; REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the number of mobile food vehicles is rising nationwide, as well as locally, and to provide the service of convenient and diverse food choices; and

WHEREAS, over the last five years, mobile food vending has allowed creative culinary professionals an avenue to pursue small business ownership and practice their craft; and

WHEREAS, like many municipalities, the Village of Salado is realizing a resurgent interest in mobile food vendors and must examine its current policies; and

WHEREAS, the current Village ordinance authorizing and regulating mobile food vendors is outdated and needs to be modified to meet the growing demands of the mobile food vending business.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas:

ARTICLE I.

That Ordinance No. 2018-09 (Mobile Food Vehicles) is hereby enacted for the purpose of establishing regulations for mobile food vehicles and shall read as follows:

SECTION 1. DEFINITIONS

When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

Departments shall mean the Salado Fire Department, Village of Salado Department of Development Services, and the Bell County Health Department.

Food Establishment shall mean a business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption as set forth in the State of Texas Health Code.

Mobile Food Vehicle shall mean a food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food or beverage is cooked, prepared and served for

individual portion service, such as a mobile food kitchen; provided however that a Mobile Food Vehicle shall not be considered a food service establishment for the purposes of this Ordinance.

Village Administrator shall mean the Village Administrator for the Village of Salado or his or her designee.

SECTION 2. SCOPE

The provisions of this section shall apply to Mobile Food Vehicle operations engaged in the business of cooking, preparing, and distributing food or beverages with or without charge from Mobile Food Vehicles on or in public, private or restricted spaces.

SECTION 3. MOBILE FOOD VEHICLE PERMIT REQUIRED

No person or business entity, including a religious or charitable organization, shall operate a Mobile Food Vehicle in any public, private or restricted space without a permit issued by the Village of Salado.

SECTION 4. APPLICATION FOR A MOBILE FOOD VEHICLE PERMIT

- a. *Single Application.* The Village of Salado shall make a single application form to apply for each mobile food vendor permit. The application shall provide the following:
 1. A description of required inspections, rules and fees.
 2. A description of areas within the Village of Salado where the operation of Mobile Food Vehicles is limited or prohibited.

- b. *Submission of Materials.* Each application shall indicate on its face that the following materials must be submitted by the applicant:
 1. The name of the business and its owner or owners, the physical mailing address of the business and a contact phone number.
 2. The applicant's photo ID.
 3. The description of the type of vehicle to be used for the proposed Mobile Food Vehicle operation, along with a photo of the vehicle.
 4. Proof of State of Texas Sales Tax and Use Permit.
 5. The address of the property where food sales are proposed to occur, along with written permission for such sales from the property owner.
 6. A site plan showing the proposed location of the Mobile Food Vehicle on the subject property where sales are proposed. The site plan shall also

depict where customers of the Mobile Food Vehicle will park and the customer dining area, if applicable.

7. If located at one (1) property for more than four (4) hours, a written agreement from a business owner of the property where the Mobile Food Vehicle is located allowing employees of the Mobile Food Vehicle operation to have use of flushable restrooms (or other facilities as approved by the Village Administrator) during hours of operation.
8. A listing of all food items to be sold in the Mobile Food Vehicle.
9. Certification that the vehicle to be used is properly insured, as well as licensed and registered by the State of Texas.
10. A valid certificate issued by the Bell County Health Department.
11. Certification that all employees who will be working in the Mobile Food Vehicle have valid food handler certificates.
12. A certificate of insurance providing general liability insurance listing the Village of Salado as additional insured. Said insurance shall be valid for the duration of the annual permit, if issued.
13. Signature of the applicant.

c. *Approval Process.* An application must be submitted to the Village Administrator, who then shall forward the application to the Departments for review and approval. The application must receive the approval of each of the Departments, based on duly published criteria established by the Village of Salado, prior to its final approval and the issuance of a permit by the Village Administrator.

1. The Village Administrator may work with the applicant or permit holder to modify a service location at any time (i) before the issuance of a permit or (ii) after the issuance of a permit, if the granting of a permit or approval of a service location has led to the creation of a nuisance or otherwise is endangering the public health, safety, or order (iii) or by request of the permit holder.
2. Within ten (10) days of the submission of a completed application, the Village Administrator shall either issue or deny the application for a permit.
3. If the application is denied in whole or in part, the Village Administrator shall state the specific reasons for the denial. Any applicant who has been denied a permit may appeal such denial by submitting a written request for a hearing to the Village Administrator within ten (10) days of denial. Such hearing shall be conducted by the Village of Salado Board of Aldermen within thirty (30) days of receipt of said appeal. The decision of the Board of Aldermen shall be final.

SECTION 5. RULES AND REGULATIONS

The operator of a Mobile Food Vehicle shall comply with the following rules and regulations:

1. No operator of a Mobile Food Vehicle shall park, stand, or move a vehicle and conduct business within areas of the Village where the permit holder has not been authorized to operate.
2. An operator of a Mobile Food Vehicle may not operate on public property unless the Village Administrator has granted approval on the permit application for its operation at the particular location during specific times.
3. The issuance of a permit does not grant or entitle the exclusive use of the service location, in whole or in part, to the Mobile Food Vehicle permit holder, other than the time and place, as approved, for the term of the permit.
4. For Mobile Food Vehicles on public property, the Village reserves the right to temporarily move a Mobile Food Vehicle to a nearby location if the approved location needs to be used for emergency purposes (fire, construction, or other public benefit) as deemed by the Village Administrator.
5. No Mobile Food Vehicle shall provide or allow any dining area, including but not limited to, tables, chairs, booths, bar stools, benches, and stand-up counters, unless a proposal for such seating arrangements is submitted with the permit application and approved by Village Administrator.
6. The permit holder shall provide consumers with single service articles, such as plastic forks and paper plates.
7. Mobile Food Vendors shall supply, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff of the Mobile Food Vehicle operation. All trash and debris generated by customers and staff shall be collected by the Mobile Food Vehicle operator and deposited in their trash container and removed from the site by the Mobile Food Vehicle operator.
8. An operator of a Mobile Food Vehicle shall not use stakes, rods, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks or buildings.
9. Mobile Food Vehicles shall not impede access to the entrance or driveway of any adjacent building.
10. Mobile Food Vehicles shall not obstruct sight distance for drivers.
11. An operator of Mobile Food Vehicles is prohibited from using PA systems, bells or music.
12. If the operator of a Mobile Food Vehicle maintains food at a hot holding temperature by mechanical means, that person shall comply with fire and explosion safety standards established by the Salado Fire Department.
13. If the operator of a Mobile Food Vehicle uses a pressurized fuel system or container in conjunction with the Mobile Food Vehicle, the operator shall comply with fire and explosion safety standards established by the Salado Fire Department.

14. Mobile Food Vehicles shall comply with the regulations of the Bell County Health Department and the State of Texas regarding time, temperature, plumbing, operation and maintenance requirements for Mobile Food Vehicles.
15. The operator of a Mobile Food Vehicle shall demonstrate that the vehicle is readily moveable, if requested by the Village Administrator.
16. All food and supplies must be stored within the Mobile Food Vehicle.
17. A person who operates a Mobile Food Vehicle may not place food, equipment, or supplies that are part of its operations outside of the permitted vehicle and must conduct all of its operational activities within the Mobile Food Vehicle.
18. If necessary to protect against public health hazards or nuisances, the Village may impose specific requirements in addition to those requirements contained in this section.
19. All wastewater and sewage generated from the operation of the Mobile Food Vehicle shall be disposed of through an approved sanitary sewer system.
20. Water from an approved source shall be made available in a Mobile Food Vehicle for food preparation, handwashing, and for cleaning and sanitizing utensils and equipment.
21. Hand sanitizer shall be made available for public use,
22. Individuals working in a Mobile Food Vehicle shall have a valid food handler certificate.
23. Mobile Food Vehicles shall operate any day between the hours of 6:00 a.m. and 11:00 p.m.

SECTION 6. PERMIT FEES

- a. *Permit Fee.* The fee for an annual permit granted by the Village for the operation of a Mobile Food Vehicle shall be one hundred dollars (\$100). The term of the permit is a calendar year, January through December, with a seven (7) day grace period for renewal of the permit. For permits acquired after June 1st, the permit fee shall be \$50.

SECTION 7. PERMIT RENEWAL

In addition to providing the information required in Section 4 of this Ordinance, applicants seeking to renew their annual permit to operate a Mobile Food Vehicle shall provide, with their permit application, documentation of the sales taxes collected and reported to the State of Texas from their prior year's sales activity in Salado.

SECTION 8. PROHIBITION AGAINST THE TRANSFER OF A PERMIT

- a. *Transfers for value prohibited.* No person holding a permit for a Mobile Food Vehicle shall sell, lend, lease or in any manner transfer a Mobile Food Vehicle permit for value.
- b. *Nonvalue transfers, as part of the sale of a business.* A permit holder may transfer a permit for a Mobile Food Vehicle as part of the sale of a majority of the stock in a corporation holding such permit, as part of the sale of a majority of the membership interests of a limited liability company holding such permit, or as part of the sale of a business or substantially all of its assets; provided that there shall be no allocated or actual value for the transfer of the permit.
 1. Prior to any such transfer, the transferor shall notify the Village Administrator in writing and the transferee shall submit a food vehicle permit application for approval to the Village Administrator pursuant to the application process set forth in this Ordinance and any additional rules and regulations promulgated by the Board of Aldermen.
 2. Any such transfer shall be subject to the terms and conditions of the original permit.
- c. *Unauthorized transfer voids permit.* Any unauthorized transfer or attempt to transfer a permit shall automatically void such permit. Whoever violates this provision, including both the transferor and transferee, shall be subject to a fine of three hundred (\$300) dollars, pursuant to penalty provisions of this Ordinance. The unauthorized transfer or attempt to transfer of each permit shall constitute a separate violation.

SECTION 9. OPERATION OF MOBILE FOOD VEHICLES

- a. *Operation without permit.* Any Mobile Food Vehicle being operated without a valid Mobile Food Vehicle permit issued by the Village Administrator shall be deemed a public safety hazard and may be ticketed and impounded.
- b. *Unattended Vehicles prohibited.* No Mobile Food Vehicle shall be parked on the street overnight or left unattended and unsecured at any time food is kept in the Mobile Food Vehicle. Any Mobile Food Vehicle which is found to be unattended and unsecured shall be considered a public safety hazard and may be ticketed and impounded.
- c. A Mobile Food Vehicle operating outside of an approved route, at an unauthorized location, or beyond the hours for which the operation has been permitted shall be deemed operating without a permit in violation of this section and may be subject to enforcement under Section 10 of this Ordinance.

SECTION 10. ENFORCEMENT

- a. *Fine for Violation.* Any permit holder operating a Mobile Food Vehicle in violation of any provision of this Ordinance may be subject to a fine of three hundred (\$300.00) dollars per day. Each day of violation shall constitute a separate and distinct offense.
- b. *Revocation, Suspension, Modification.* Once a permit has been issued it may be revoked, suspended, modified, or not renewed by the Village Administrator for failure to comply with the provisions of this Ordinance.
- c. *Removal.* Any permit holder found in violation of this section or any rules and regulations promulgated by the Board of Aldermen may be issued a ticket for violation and the Mobile Food Vehicle may be impounded.
- d. *Enforcement.* The provisions of this section or any rules and regulations promulgated by the Board of Aldermen may be enforced by the Salado Police Department.

ARTICLE II.

If any provision of this section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Notwithstanding any provision of this Ordinance to the contrary, existing mobile food permits, lawfully issued to Mobile Food Vehicles by the Village of Salado prior to the passage of this Ordinance, shall remain effective until the expiration date of their existing permit. Any such Mobile Food Vehicle shall be exempt from the provisions of this Ordinance and shall comply with the provisions under which their existing permit was issued until such time as their existing permit expires.

ARTICLE III.

The provisions of this section shall take effect immediately upon thirty (30) days after passage.

FIRST READING PASSED AND APPROVED this 7th day of June, 2018, by a vote of 4 (Ayes) to 1 (Nays) 0 (Abstain) of the Board of Aldermen of the Village of Salado, Texas.

SECOND READING PASSED AND APPROVED this 21st day of June, 2018, by a vote of 3 (Ayes) to 2 (Nays) 0 (Abstain) of the Board of Aldermen of the Village of Salado, Texas.


Skip Blangett, Mayor

ATTEST:


Cara McPartland, City Secretary

