

**CITY OF GRANDVIEW
ORDINANCE NO. 2022-0324**

AN ORDINANCE OF THE CITY OF GRANDVIEW, TEXAS, AMENDING ARTICLE III, "FOOD ESTABLISHMENTS" OF CHAPTER 12, "BUSINESSES," THE CODE OF ORDINANCES OF THE CITY OF GRANDVIEW, TO PERMIT THE OPERATION OF MOBILE FOOD UNITS IN COMMERCIAL AND MANUFACTURING/INDUSTRIAL ZONING DISTRICTS; AMENDING ARTICLE IV, "USES," OF CHAPTER 56, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF GRANDVIEW, TO PROVIDE A DEFINITION FOR MOBILE FOOD UNITS AND TO ADD THE OPERATION OF MOBILE FOOD UNITS AS A PERMITTED USE IN COMMERCIAL AND MANUFACTURING/INDUSTRIAL ZONING DISTRICTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Grandview, Texas, is a Type-A general-law municipality located in Johnson County, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Grandview has determined that the regulation of mobile food units in Article III, "Food Establishments" of Chapter 12, "Businesses," of the Code of Ordinances should be updated to allow more flexibility for operations of mobile food units within the City while providing additional health and safety regulations of mobile food units; and

WHEREAS, the City Council desires to amend the Zoning Ordinance to allow the operation of mobile food units in commercial and manufacturing/industrial zones; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on March 24, 2022, at 5:00 p.m., and thereafter by the City Council on March 24, 2022, at 6:30 p.m., with respect to the proposed use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the comprehensive zoning ordinance and chapter 211 of the Local Government Code.

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

SECTION 1.

That subsection (c) of Section 12-109, "Permits and exemptions," of Article III, Food

Establishments,” of Chapter 12, “Businesses,” of the Code of Ordinances of the City of Grandview, Texas, is hereby amended to read as follow:

“(c) Specific regulations governing Mobile Food Units and associated permits are located in Section 12-116.”

SECTION 2.

That Article III, Food Establishments,” of Chapter 12, “Businesses,” of the Code of Ordinances of the City of Grandview, Texas, is hereby amended by adding Section 12-116 to read as follows:

“Sec. 12-116. – Mobile Food Units.

- a) No person shall operate as a Mobile Food Unit in the City without a permit issued by the City in accordance with the following requirements:
 - 1) an application fee of \$50.00;
 - 2) name, legal name of business or entity, business address, telephone number, and email address of the applicant;
 - 3) the applicant’s identification number as shown on a current and valid government-issued identification document that includes a photograph of the applicant;
 - 4) if the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;
 - 5) name, legal name of business or entity, business address, telephone number, and email address of the owner if the owner is not the applicant;
 - 6) signed permission from all private property owners where the Mobile Food Unit will be stationed;
 - 7) the manner of mobile food unit operation to be conducted (for example, foot vending, truck, trailer, pushcart, etc.); the make, model, year, license or registration, and vehicle identification number of each vehicle to be used in the mobile food unit operation;
 - 8) proof of motor vehicle insurance for each vehicle to be used in the Mobile Food Unit operation;
 - 9) an itinerary of locations where sales will occur; and a location map and sketch of site location for each location to be used by the Mobile Food Unit;
 - 10) a copy of the Unit’s current Texas Department of Health Certificate;

- 11) a written agreement from a business within three hundred (300) feet for employees of the mobile food establishment to have use of flushable restrooms during hours of operation, portable restrooms are prohibited;
 - 12) a description of the type of food or the specific foods to be vended;
 - 13) a signed statement from the owner of the commissary stating that the mobile food establishment will use the facility as its base of operation and providing the address and food establishment permit number of the facility;
 - 14) a valid copy of the applicant's sales tax and use tax permit; and
 - 15) any other information reasonably required by the City of Grandview.
- b) Mobile Food Units must be located on private property and must comply with the following:
- 1) The private property must be located in either the Light Commercial District (C-1), General Commercial District (C-2); Special Commercial District (C-3); Light Manufacturing/Industrial District (M-1); or Heavy Manufacturing/Industrial District (M-2); and
 - 2) The private property must be developed and improved, and contain an existing permanent business operating in a building with a certificate of occupancy at all times while the Mobile Food Unit occupies the property.
- c) Mobile Food Units may not operate:
- 1) For a duration exceeding twelve (12) hours per day;
 - 2) Within a public park, public right-of-way, publicly owned property or site unless for a special event approved by the City; or
 - 3) In congested areas where the operation impedes vehicular or pedestrian traffic or where it impedes access to the entrance of any adjacent building or driveway.
- d) Mobile Food Units must comply with each of the following requirements, in addition to complying with all other applicable federal, state, county, and local laws, including applicable laws as described in most recently adopted edition of the International Fire Code (IFC) or any subsequent amendments thereto:
- 1) Mobile Food Units shall be clearly marked with the food establishment's name or a distinctive identifying symbol and shall display the name while in service within the City. All signage used by Mobile Food Units shall meet the standards and requirements of the City's sign ordinance.
 - 2) Mobile Food Units shall be movable by motorized or non-motorized means and be

removed from the approved property on a daily basis.

- 3) Mobile Food Units may not be parked in a location for more than twelve (12) hours.
 - 4) Mobile Food Units shall be separated from property lines, public rights-of ways, existing buildings, and other mobile food vehicles by a minimum of twenty-five (25) feet. Mobile Food Units shall not operate in fire lanes or parking spaces that are required for the use of an existing business.
 - 5) Mobile Food Units, and any parking areas used by Mobile Food Unit employees or customers, shall be located on an improved service surface consisting of gravel, asphalt, or concrete.
 - 6) Mobile Food Units shall provide covered garbage and storage facilities for employee and customer use, of sufficient size that refuse is fully contained in a manner that prevents litter and remains insect- and rodent-proof. Mobile Food Units are responsible for the disposal of all the subject refuse prior to leaving the point of sale site.
 - 7) Mobile Food Units shall display at all times, in a conspicuous place visible to the general public, the City of Grandview permit under this article and permit number, as well as a copy of the Texas sales tax and use certificate.
 - 8) Mobile Food Units must operate from an approved commissary in good standing as defined in and required by the Department of State Health Services Texas Food Establishment Rules.
 - 9) All employees of a Mobile Food Unit permit holder must have a valid food handlers' training certificate in accordance with the Department of State Health Services Rules.
 - 10) Electricity shall be obtained from a generator or a dedicated electrical circuit/receptor of the lot owner. Mobile Food Units shall utilize electrical cords in conformance with the National Electrical Code as adopted and amended by the City.
 - 11) No Mobile Food Unit shall operate a drive-through service.
 - 12) No Mobile Food Unit shall engage in the sale of alcohol.
- e) Mobile Food Units must meet the following plumbing standards:
- 1) All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or through an authorized service provider. All used fats, oil, or grease shall be discharged to an approved grease interceptor at the commissary or

through an authorized service provider. Used fats, oils or grease shall not be discharged to any unauthorized food establishment grease interceptor.

- 2) Liquid waste shall not be discharged from the retention tank when the Mobile Food Unit is open to the public or in the process of preparing food.
 - 3) Connections to the City of Grandview water or wastewater system on site is prohibited.
- f) Mobile Food Units must provide access to Restroom Facilities.
- 1) All Mobile Food Units must submit to the City written proof of a restroom facility agreement that provides the availability of a fixed establishment restroom facility for the use of the Mobile Food Unit employees, located in a business establishment within three hundred (300) feet of each location where the Mobile Food Unit will be in operation.
 - 2) Proof of availability of a fixed establishment restroom shall be in the form of a signed written statement from the property owner, or owner's authorized agent, including the name, address, and telephone number of the property owner or authorized agent, and the type of business and hours of operation of the business, granting permission for the use of the facilities. If the business owner is a partnership or corporation, the statement shall include the name, address and telephone number of one (1) of the partners or officers.
- g) No Mobile Food Unit shall operate within (300) feet from the primary entrance of Full Service or Fast Food Restaurant(s). This separation requirement shall only apply during normal hours of operation of the Full Service or Fast Food Restaurant(s).
- 1) Exceptions. Mobile Food Units may locate within three hundred (300) feet of a Full Service or Fast Food Restaurant(s), if the restaurant owner/owners have provided the Mobile Food Unit written consent to located on the same lot as his/her restaurant(s), or if all applicable restaurant owners within the three hundred (300) feet buffer area provide written consent to the Mobile Food Unit. Written consent shall be in the form of a written and signed statement from the property owner, or owner's authorized agent, including the name, address, and telephone number of the property owner or authorized agent, and the type of business and hours of operation of the business. If the business owner is a partnership or corporation, the statement shall include the name, address and telephone number of one (1) of the partners or officers. The signed statement shall be provided to the City at the time of permitting.”

SECTION 3.

That Section 56-670, “Retail and Service Type Uses,” of Division 2, “Descriptions and Definitions,” of Article IV, “Uses,” of Chapter 56, “Zoning,” of the Code of Ordinances of the

City of Grandview, Texas, is amended to provide a definition for “Mobile food unit” to be inserted alphabetically as follows [no other definitions in section 56-670 are intended to be deleted or altered by this ordinance]:

“*Mobile food unit* (also known as Food Truck) means a vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve or sell food, in accordance with the definition thereof in section 12-107 and subject to all requirements and standards, including permit requirements, identified in section 12-116.”

SECTION 4.

Table 6, Section 56-645(6), “Use of land and buildings,” of Article IV, “Uses,” of Chapter 56, “Zoning,” of the Code of Ordinances of the City of Grandview, Texas, is hereby amended to add the following permitted use, inserted alphabetically as follows:

| Office, Retail, Commercial, and Service Type Uses | | | | | | | | | | | | | | | |
|---|---|------|------|------|----|----|----|------|------|-----|-----|-----|-----|-----|----|
| Type of Use | A | SF-E | SF-1 | SF-2 | TH | TF | MF | MH-1 | MH-2 | C-1 | C-2 | C-3 | M-1 | M-2 | PD |
| Mobile food unit | | | | | | | | | | X | X | X | X | X | |

SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances of the City of Grandview, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be

fined, upon conviction, not more than Two Thousand Dollars (\$2,000.00) for each offense affecting zoning, fire safety or public health and sanitation, and Five Hundred Dollars (\$500.00) for all other offenses. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the zoning ordinance, as amended, or any other ordinances affecting food establishments of food trucks which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

The City Secretary of the City of Grandview is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 10.

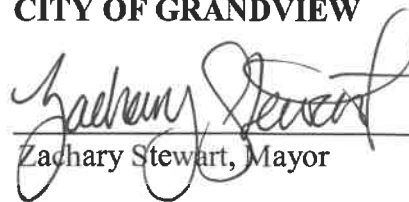
The City Secretary of the City of Grandview is hereby directed to publish at least twice in the official newspaper of the City of Grandview the caption and effective date clause of this ordinance in accordance with Section 52.011 of the Texas Local Government Code.

SECTION 11.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED this 24th day of March, 2022.

CITY OF GRANDVIEW



Zachary Stewart, Mayor

ATTEST:



Karen Fuller, City Secretary