

CITY OF COLLINSVILLE, TEXAS  
ORDINANCE NO. 724-2022

**AN ORDINANCE OF THE CITY OF COLLINSVILLE, TEXAS, AMENDING SUBSECTION 1.02 OF SECTION 1 OF ORDINANCE NO. 582 TO AMEND THE DEFINITION OF FOOD ESTABLISHMENT; ADOPTING RULES AND REGULATIONS FOR MOBILE FOOD UNITS OPERATING WITHIN THE CITY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENT TO ORDINANCE NO. 582; PROVIDING CUMULATIVE REPEALER AND SAVINGS CLAUSES; PROVIDING SEVERABILITY; PROVIDING A PENALTY FOR EACH OFFENSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Collinsville, Texas (the "City") is a Type A general-law municipality located in Grayson County, and 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 is experiencing growth in popularity of operating and attending mobile food units within the City and desires to foster a variety of dining options by continuing to allow the operation of food trucks within the City; and

**WHEREAS**, under the authority in Chapter 51 of the Texas Local Government Code and Chapter 228 of Title 25 of the Texas Administrative Code, the City may regulate mobile food units within the City limits; and

**WHEREAS**, the City Council adopted Ordinance No. 582 regulating food establishments; and

**WHEREAS**, the City Council now wishes to provide for separate regulations for mobile food units, as provided by state law; and

**WHEREAS**, the City Council has a substantial interest in protecting the health, safety, welfare, convenience, and enjoyment of the general public and has determined that is in the best interest of the citizens of the City to adopt separate rules and regulations for mobile food units, as provided herein;

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

**SECTION 1.**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

## SECTION 2.

2.01 That subsection 1.02 of Section 1 of Ordinance No. 582 is hereby amended by amending the definition for food establishments as set forth below with all other provisions of subsection 1.02 not herein amended to remain in full force and effect:

...

The word "food establishment" means a food service establishment, a retail food store, or a roadside food vendor.

...

2.02 That the following regulations for mobile food units are hereby adopted by the City Council, to be and read as follows:

### **Sec. 1 Adoption of Texas Food Establishment Rules**

The City adopts, by reference, the provisions of the current rules or rules as amended by the Executive Commissioner of the Health and Human Services Commission found in Title 25 of the Texas Administrative Code, Chapter 228, as amended, regarding the regulation of food establishments within the City. The requirements found in this Ordinance shall be in addition to the rules found in the Texas Administrative Code, as amended. If there is a conflict between any of the provisions found in this Ordinance and Title 25 of the Texas Administrative Code, Chapter 228, as amended, the rules found in the Texas Administrative Code shall control.

### **Sec. 2. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City.* City shall mean the City of Collinsville, Texas.

*City administrator.* The term "city administrator" shall mean the city administrator of the City of Collinsville, or the city administrator's designee for purposes of this article.

*City planner.* The term "city planner" shall mean the city planner of the City of Collinsville, or the city planner's designee for the purposes of this article.

*Chief of police.* The term "chief of police" shall mean the chief of police of the City of Collinsville, or the chief of police's designee for purposes of this article.

*Fire marshal.* The term "fire marshal" shall mean the fire marshal of the City of Collinsville, or the fire marshal's designee for purposes of this article.



*Improved surface.* The term "improved surface" shall mean concrete, asphalt or other city approved surface for purposes of this article.

*Mobile food unit.* A mobile food unit shall be defined herein as a unit designed to be readily movable and from which food or beverages are prepared and offered for sale. Mobile food units in the city are further divided into one (1) of the following categories:

*Unrestricted mobile food unit.* An unrestricted mobile food unit is defined as a commercially manufactured towed trailer or motorized self-contained food service operation or establishment designed to be readily movable in which ready to eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution.

*Restricted mobile food unit.* A restricted mobile food unit is defined as a commercially manufactured towed trailer or motorized self-contained food service operation or establishment designed to be readily movable in which only food that is prewrapped, bottled or otherwise packaged in individual servings is sold.

*Limited-service mobile food unit.* A limited-service mobile food unit is defined as any mobile food unit that is not a restricted or unrestricted mobile food unit. This type of mobile unit, with limited food handling, sells only packaged food from ingredients with a low potential for creating a food-borne hazard. The term includes the following types of mobile food vending operations:

- (1) Ice cream trucks or push carts serving packaged, frozen treats.
- (2) Mobile vending food units selling whole fruits and raw vegetables.
- (3) Trucks selling packed frozen steaks, chicken, seafood and frozen foods.

*Person.* The term "person" shall mean any person, firm, entity or corporation.

*Public property.* The term "public property" shall mean any property open or devoted to public use or owned by the City of Collinsville, including, but not limited to, sidewalks, streets, rights-of-ways, parks and municipal buildings. This definition does not include property owned by any county entity.

*Public rights-of-way.* The term "public rights-of-way" shall mean the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, parkway, waterway, easement or similar property in which the city or the State of Texas now or thereafter holds any property interest, which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a person's facilities. Nothing in this article or in any permit shall be deemed to be a representation or guarantee by the city that its interest or other right to control the use of such property is sufficient to permit its use for such purposes. The holder of a permit shall be deemed to gain only those rights to use as are properly in the city and as the city may have the undisputed right and power to give.

*Regulatory authority.* The term "regulatory authority" shall mean either Grayson County or the City of Collinsville for the purpose of this article.

**Sec. 3. Violation; penalty.**

- (a) Unless exempted from the provisions of this article, it shall be unlawful for a person to engage in, transact or conduct the business or occupation of a mobile food unit vending within the city without first having obtained a mobile food unit permit with the city secretary's office or to violate any provision of this article.
- (b) Any person, firm, entity or corporation who violates any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction, therefore, shall be fined in accordance with chapter 1, section 1-12 of the Code of Ordinances. Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this article shall not preclude Collinsville from filing suit to enjoin the violation. Collinsville retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**Sec. 4. Categories of mobile food units and where allowed.**

The following mobile food units may only operate in the city as indicated herein and under the following regulations:

- (1) *Unrestricted mobile food unit.* Unrestricted mobile food units must have access to an approved commissary on a daily basis for servicing. These units may operate on private property at one (1) or more locations depending upon owner's permission and must comply with all City of Collinsville ordinances, rules, and regulations.
- (2) *Restricted mobile food unit.* Under this type of permit, no open food preparation or handling may occur. All food items including beverages and condiments must be prepackaged at an approved food establishment or come prepackaged from an approved source. These units may operate on private property at one (1) or more locations depending upon owner's permission and must comply with all City of Collinsville ordinances, rules, and regulations.
- (3) *Limited service mobile food unit.* Under this type of permit, the mobile food unit may only operate as indicated:
  - a. *Ice cream trucks or push carts serving packaged, frozen treats.* These units are only allowed to drive through neighborhoods and stop for only a brief period of time to serve their product.
  - b. *Mobile vending food units selling whole fruits and raw vegetables.* These units may set up for a brief period of time at private locations with the



property owner's permission or may drive through neighborhoods and stop for only a brief period of time to serve their product.

- c. *Trucks selling packed frozen steaks, chicken, seafood and frozen foods.* These units can only sell their products door to door and are limited to neighborhoods and local businesses.

#### **Sec. 5. Vehicle requirements.**

A mobile food unit, in addition to any requirements of the Grayson County Health Department, shall:

- (1) Maintain the vehicle in a clean, undamaged condition, both inside and outside, and in good working order, and comply with the city's minimum property standards.
- (2) Keep all required permits or copies of permits on the vehicle or mobile food unit at all times.
- (3) Display on the vehicle current license plates and current vehicle safety inspection information in accordance with current state law.
- (4) Display on the vehicle's windshield, the appropriate permit issued by the City of Collinsville showing that the mobile food unit is permitted to operate within the city limits.
- (5) Display copies of the Texas Sales and Use Tax Permit and the Grayson County Health Department Permit on the vehicle at all times.
- (6) Only serve or distribute food as specified on the permit issued by the Grayson County Health Department. This permit must be displayed on the vehicle.
- (7) Central preparation facility/commissary: All unrestricted mobile food units must work with a central preparation facility or commissary under the jurisdiction of the Grayson County Health Department.
  - a. Supplies, cleaning, and servicing operations. A mobile food unit must operate from a central preparation facility, commissary, or other fixed food establishment and must report to that location for supplies, cleaning, and servicing once daily.
  - b. The central preparation facility, commissary, or other fixed food service establishment, used as a base of operation for a mobile food unit, must be constructed and operating in compliance with this chapter and the Grayson County Health Department.

- c. The servicing area must include overhead protection for any supplying, cleaning, or servicing operation; a location for the flushing and draining of liquid waste separate from the location provided for water service and the loading and unloading of food and related supplies; and a surface constructed of a smooth nonabsorbent material, including, but not limited to concrete or machine-laid asphalt, that is maintained in good repair, kept clean, and graded to drain.
- d. Servicing methods and equipment: Potable water servicing equipment must be installed according to all applicable city ordinance, county, state, and federal law, and stored and handled in a way that protect the water and equipment from contamination.
  - (i) The liquid waste retention tank for a mobile food unit must be thoroughly flushed and drained during the servicing operation.
  - (ii) All liquid waste must be discharged to a sanitary sewerage disposal system constructed and operated according to all applicable city ordinances, county, state and federal law.
  - (iii) Liquid waste may not be discharged from a mobile food unit while the mobile food unit is in motion.
- e. Site cleanup. A service site must be left in a clean, waste-free condition.
- f. Food preparation and services. Food may not be prepared or served while the mobile food unit is in motion or in an area that exposes any person present to a health or safety hazard.
- g. A mobile food unit may not serve, sell, or distribute any food or beverage if the food central preparation facility or commissary does not supply, clean, or service the mobile food unit in accordance with this section.

#### **Sec. 6. Mobile food unit operating requirements.**

- (a) Any person operating a motor vehicle as a mobile food unit must have at least one (1) person who is a currently licensed driver with a valid driver' s license with the vehicle at all times.
- (b) Waste containers (inside and outside the unit) shall be durable, easily cleanable, insect-proof, rodent-proof, nonabsorbent to liquids, leak-proof and lined with a plastic bag. Containers shall have tight fitting lids and must be maintained on each mobile food unit in a number sufficient to contain all trash and garbage generated by the unit. There shall be at least one (1) waste container outside the unit and have sufficient capacity to accommodate all garbage and refuse that accumulates. Before the mobile food unit leaves a vending site, all trash and garbage must be removed



from the stie. Excessive trash and garbage shall not be allowed to accumulate inside or around the mobile food unit. All trash and garbage must be disposed of in an approved garbage receptacle.

- (c) A mobile food unit must comply with the City of Collinsville Zoning Requirements governing mobile food units, if any. Each mobile food unit shall:
  - (1) Operate in approved areas with appropriate zoning designation, if any;
  - (2) Operate with approved permits;
  - (3) May not sell or serve food on any public street, sidewalk, or other public right-of-way without appropriate permits from the City of Collinsville and Grayson County;
  - (4) Outside walking, driving, and parking areas shall be on an improved surface;
  - (5) Operate according to itinerary approved by the city secretary, city administrator, or police chief;
  - (6) Mobile food units must not obstruct traffic movement, fire lanes, and drive aisles;
  - (7) Mobile food units shall not impede access to the entrance or driveway of any adjacent building;
  - (8) Mobile food units cannot impair visibility or safety onsite; and
  - (9) When out of service be parked at the approved central preparation facility, commissary, or other location in compliance with city ordinance and/or county, state, and federal law.
- (d) A mobile food unit must have written authorization from the owner or person in control of each premises from which the mobile food unit will sell or serve food. The authorization must include the specific dates and times during which the unit is authorized to be present on the premises. A current copy of each authorization must be maintained on file with the City of Collinsville City Secretary's office, as well as in the mobile food unit files for review by inspectors.
- (e) Adequate separate toilet facilities must either be provided on the mobile unit or be available at a nearby permanent facility. If a nearby toilet is used, a separate written agreement granting permission for the mobile food unit employees to access the toilet facilities must be obtained from the owner or person in control of the facilities if the mobile food unit will be at the same location for more than two (2) hours.
- (f) No cooking may be conducted while the vehicle is in motion.

- (g) Covers with secure latches for deep fryers, steam tables and similar equipment must be provided, installed, engaged, and working properly while the vehicle is in motion.
- (h) Mobile food units shall follow all additional requirements of the Grayson County Health Department which are not included in this chapter.

**Sec. 7. Structural requirements for unrestricted mobile food units.**

- (a) Unrestricted mobile food units must have a potable water system under pressure that is equipped with a permanently installed water supply tank of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing.
- (b) The water supply tank must be equipped with a water inlet that is located where it will not be contaminated by waste discharge, road dust, oil, or grease. Any unauthorized connection to the city's public water system and/or the dumping or release of grease into the city's sanitary sewer system shall be prohibited. An unrestricted mobile food unit may, with approval from the director of public works, connect to the city's water supply provided the mobile food establishment has proper backflow devices installed. All backflow devices must be installed and maintained in conjunction with the city's Code of Ordinances and regulations of the Grayson County Health Department.
- (c) If liquid waste results from the operation of a mobile food unit, it must have a liquid waste retention system that is equipped with a permanently installed retention tank of at least fifteen (15) percent larger capacity than the potable water supply tank, is equipped with servicing connections that are located lower than the water inlet to prevent contamination of the potable water system and are of a different size or type than the connection used for supplying potable water to the unit, and is properly sloped to drain and collect all potential liquid waste.
- (d) Floors must be constructed of a smooth, durable material such as durable grades of acid resistant linoleum, or better grades of tile. No carpet is allowed. All junctures between floor and walls, equipment and shelves shall be sealed and covered. Equipment and shelves must be elevated a minimum of six (6) inches or sealed to floor. All service lines and pipes must be installed off the floor to allow for easy cleaning.
- (e) Interior walls, wall coverings and ceilings shall be smooth, non-absorbent with easily cleanable surfaces. All other exposed wood surfaces must be smooth, sealed, or painted with epoxy type products. All edges must be protected, covered, or beveled. Studs, joists, and rafters shall not be exposed.
- (f) The cab of the vehicle must be physically separated from the food preparation area, and the seats designated for the cook and any passengers must be located outside



of the food preparation area. Aisle space must be unobstructed and at least thirty (30) inches wide.

- (g) All equipment and utensils must meet or exceed the standards published by the National Sanitation Foundation.
- (h) All equipment must be placed, installed, stored, and secured on the unit in a manner that allows for thorough cleaning and sanitizing around the equipment and prevents movement of the equipment when the unit is in motion. Counter-mounted equipment must be sealed directly to the countertop or securely installed to provide a four-inch clearance under the equipment. Floor mounted equipment must be sealed directly to the floor or securely installed to provide a six-inch clearance under the equipment.
- (i) The unit must be equipped with a three-compartment sink with two (2) drainboards, both made of eighteen-gauge stainless steel. The sink must have hot and cold water from an approved source. The sink must be of sufficient depth to completely immerse the largest piece of equipment used in the unit.
- (j) The unit must be equipped with a separate hand sink that must be fully accessible and separated from the ware washing by a splashguard and have a mixing valve or a combination faucet, and hot and cold water. Handwashing sinks are required to have a soap and paper towel dispenser in close proximity.
- (k) Outer openings of the unit, including but not limited to service windows, doors, pop-up vents, and sunroofs, must be insect and rodent proof. Screens must be tightly fitted and in good repair with a maximum of sixteen (16) mesh per square inch. Entrance doors and service windows to the food preparation area must be self-closing and must be kept closed when not in use.
- (l) The unit must be equipped with a power source, approved by the City of Collinsville, that is capable of handling the power demands of the unit and equipment when the unit is stopped or in motion. The power source must be permanently installed in an area that is completely separated from food preparation and food storage areas and must be accessible for proper cleaning and maintenance.
- (m) Light bulbs and tubes must be covered and completely enclosed in plastic safety shields or the equivalent.

### **Sec. 8. Collinsville Fire Department requirements.**

Any person desiring to engage in, transact, or conduct the business or occupation of a mobile food unit vending within the city shall adhere to the following Collinsville Fire Department requirements:

- (1) Present a valid invoice from a certified master plumber indicating an annual pressure/gas test has been successfully completed. This will be required for initial permitting in addition to ongoing permit renewal.
- (2) Installed liquified petroleum gas (hereinafter LPG) piping shall be of an approved, labeled and listed type for use with the cooking appliances. Rubber type hoses shall not be allowed. All piping shall be in accordance with the most recently published National Fire Protection Association 58 and shall be protected against physical damage.
- (3) Maintain within a mobile food unit a maximum of two hundred (200) gallons LPG located within a vented compartment: containers shall not be ahead of the front axle or beyond the rear bumper of the vehicle. A tank that is certified by the American Society of Mechanical Engineers ("ASME") is required for permanently installed tanks.
- (4) Maintain within a mobile food unit a maximum of two hundred (200) gallons LPG located outside but mounted upon the trailer in a protected location: containers shall not extend beyond the rear bumper.
- (5) LPG cylinders shall not exceed one hundred (100) pounds.
- (6) LPG cylinders shall have an approved label and listed shut-off valve.
- (7) All LPG cylinders shall be protected from damage and secured with a solid bracket.
- (8) The storage of LPG cylinders inside trucks and/or trailers is prohibited.
- (9) All valves must be turned off when appliances/cylinders are not in use.
- (10) "No Smoking" signs shall be posted. Additionally, the signage should be visible near any propane containers.
- (11) Electrical:
  - a. Extension cords shall not be utilized, nor are they a substitute for permanent wiring.
  - b. An appropriately sized power supply cord with corresponding connections will be allowed. The cord will be sized according to the vehicle's electrical demands.
  - c. Appliances shall be plugged directly into electrical outlets.



- d. All electrical outlets within six (6) feet of a wet location shall be ground fault circuit interrupter (hereinafter GFCI) protected. All exterior outlets shall be GFCI protected.

(12) Fire extinguishers:

- a. All fire extinguishers require an annual inspection by a Texas licensed fire extinguisher company. Required extinguishers must be properly mounted and readily accessible.
- b. At least one (1) portable extinguisher of the 2A10BC rating shall be accessible to the interior of the food truck/trailer.
- c. Units utilizing oil/grease fryers are required to have a Class K fire extinguisher on the unit.

(13) Fire suppression system:

- a. Mobile food units which perform cooking operations that produce grease laden vapors shall have a Type 1 hood with ventilation.
- b. Type 1 hoods shall be protected by a UL 3200 or UL 300A fixed fire extinguishing system.
- c. A biannual system inspection is required for all fire suppression systems by a Texas licensed fire suppression company.
- d. All cooking surfaces and hoods are to be kept clean to prevent grease build-up.

(14) Cooking equipment and appliances:

- a. All cooking appliances shall be of an approved type, listed and labeled for the intended use. Propane appliance can be approved by the following testing labs: UL, CSA, CGA, AGA and/ or ETL.
- b. Cooking appliances shall have an approved, labeled and listed on-off valve.
- c. All appliances shall be installed according to the manufacturer's instructions.
- d. Water heaters or hot water tanks shall be installed in accordance with the International Plumbing Code and manufacturer's installation instructions and shall include venting of the tank.

(15) Fire lanes and fire access and driveways:

- a. Mobile food units shall not park in marked fire lanes. They shall not block fire department access or driveways that serve as access.

(16) Prohibited cooking:

- a. Solid fuel cooking is prohibited with the following exception: The cooking device is listed and approved for mobile food cooking applications.
- b. Coleman stove or equivalents are prohibited.

**Sec. 9. Application and review process.**

Any person desiring to engage in, transact, or conduct the business or occupation of a mobile food unit vending within the city shall apply for a mobile food unit permit with the city secretary's office. Upon receipt of a completed application, the city secretary shall obtain approval of said application from the chief of police, fire marshal, and Grayson County Health Department. Upon payment of the permit fee and approvals of officials set forth above, the city secretary shall deliver to such mobile food unit a permit which shall show the issuance and expiration date, name of mobile food unit, and description of mobile food unit. The mobile food unit permit shall be valid for one-year from the date of issuance.

The application for a mobile food unit shall include:

- (1) Applicant's name and date of birth, mobile unit business name, type of business, business address, telephone number, and email address;
- (2) Additional responsible party name and phone number;
- (3) Description of the nature of the business and the character of food or beverage to be offered for sale;
- (4) Number of employees, together with credentials establishing the exact relationship;
- (5) The entire length of time for which the right to do business is desired and hours of operation;
- (6) Description of mobile food unit type, motor vehicle make/model/year, color, plate number and issuing state and Vehicle Identification Number (VIN);
- (7) Vehicle insurance issuance company name and policy number (together with a copy of current proof of insurance);
- (8) Copy of business liability insurance;



- (9) Applicant's last business occupation, last place of residence, and license number and place of issuance or license of motor vehicle, if any, used in applicant's business;
- (10) Acceptable personal identification containing a current photo of applicant, such as a driver's license, passport, or other government issued identification;
- (11) Proof that the applicant has received a state limited sales and use tax permit;
- (12) Current Grayson County Health Department Permit;
- (13) Description of property from which food or beverages are to be displayed, including street name and address number, legal description, or designation of the property as shown on the current tax records of the county tax appraisal district, with the name, contact information, and tax billing address of the owner of the property;
- (14) A statement signed by the owner of the property acknowledging that said owner has reviewed the completed application forms and has granted permission to the applicant for the use of the property for the purpose set forth and for the time duration stated;
- (15) Date or dates and approximate hours that food or beverages will be displayed or sold during the period the license shall be in force and effect;
- (16) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any provision of this Code, the nature of the offense, and the punishment or penalty assessed therefor;
- (17) The place where the food or beverages are proposed to be sold, or orders taken for the sale thereof, are produced, where such food or beverages are located at the time such application is filed, and the proposed method of delivery; and
- (18) Applicable permit fee.

**Sec. 10. License fees; duration; exemptions.**

- (a) Every person, unless otherwise exempt, and before engaging in the business or occupation of a mobile food unit in the city, shall pay, in advance, to the city clerk, a city license fee in an amount determined by the city council, as the same may be determined from time to time.
- (b) Licenses issued under this paragraph shall expire twelve (12) months following the date of issuance, except as provided in subsection (d).
- (c) This licensing procedure, application, and fee shall not apply to:

- (1) The sale of whole vegetables, whole fruits, or other cultivated produce; and
  - (2) Permitted farmers market that runs from April through October.
- (d) Singular Special Events. If designated by applicant on the application, applicant may apply for a special event mobile food unit permit which, if approved by city, will permit operation of a mobile food unit for a singular special event, as described on the application. Application for this permit shall be subject to all of the regulations provided by this article III, including designation as an unrestricted, restricted, or limited service mobile food unit, except that applicant will pay the special event mobile food unit permit fee as provided in the city's comprehensive fee schedule, in lieu of an annual fee. A permit under this subsection will only provide the city's approval for the operation of the mobile food unit for the duration of the special event, as defined by the application and approved by the city. A special event mobile food unit permit is not required if an annual mobile food unit permit is held.

**Sec. 15-65. Suspension of license; appeal; revocation.**

- (a) In the event of any violation of this article, the mobile food unit shall be subject to suspension or revocation of their mobile food unit permit. With regard to violations involving public health or welfare as determined by the regulatory authority, the mobile food unit shall cease operations immediately, and the regulatory authority shall have the right to shut down operations.
- (b) A denial or revocation of a mobile food unit permit may be appealed as set forth herein. Within seventy-two (72) hours from the time of revocation or denial of the mobile food unit permit, the vendor may appeal the revocation to the city administrator, who shall have the authority to reinstate or revoke the license. Upon receiving notice of appeal, the city administrator shall set a date for hearing the appeal, such date to be within seven (7) days of receipt of notice of appeal. In the event there is no appeal within seventy-two (72) hours from the time of suspension of the license, the license shall be revoked. In the event of revocation of a mobile food unit permit, vendor shall immediately cease all operations and remove all food or beverages, equipment, vehicles, and related items from the location for which the license had been granted.

**SECTION 3.**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Collinsville, Texas, 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 are hereby repealed.

**SECTION 4.**



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 5.**

Collinsville's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

#### **SECTION 6.**

The City Secretary of the City of Collinsville is hereby directed to publish in the official newspaper of the City of Collinsville, the caption, publication clause and effective date clause of this ordinance as authorized by Section 52.011 of the Local Government Code.

#### **SECTION 7.**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

#### **SECTION 8.**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

#### **SECTION 9.**

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

**PASSED AND APPROVED BY the City Council of the City of Collinsville,**

Texas, on this the 14<sup>th</sup> day of November, 2022.

  
Derek Kays, Mayor

ATTEST:

  
Deborah Hale, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Pam Liston, City Attorney

