

ORDINANCE NO. 7492

AN ORDINANCE AMENDING THE TEXAS FOOD ESTABLISHMENT RULES OF SECTION 22.26, "AMENDMENTS MADE TO THE TEXAS FOOD ESTABLISHMENT RULES," OF CHAPTER 22, "HEALTH," OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; AMENDING SECTION 32.57, "OVERSIZED AND OTHER VEHICLES-RESTRICTIONS IN RESIDENTIAL ZONES," OF CHAPTER 32, "PROPERTY SANITATION AND HOUSING SERVICES;" OF THE CODE OF ORDINANCES; AMENDING SECTION 22.70, "SPECIFIC NOISES PROHIBITED," OF CHAPTER 22, "HEALTH," OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Section 228.2 of Section 22.26, "Amendments made to the Texas Food Establishment Rules," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part by addition* to include a definition of "Ice Cream Truck," to amend the definition of "Regulatory Authority," and to read as follows:

"Section 228.2, relating to definitions, is further amended by adding the following definitions:

. . .

Ice Cream Truck. A type of Catering Truck in which prepackaged ice cream, ice milk, frozen dairy products are carried for purposes of retail sale on the streets of the City.

. . .

Regulatory authority. Is either, depending on the context, the Director of Health of the City, or his or her designee, or the appropriate official of Dallas County authorized to inspect and permit Mobile food service establishments under Chapter 437A of the Texas Health & Safety Code. In the context of permitting Mobile food service establishments, the appropriate official of Dallas County authorized to inspect and permit Mobile food service establishment shall be the Regulatory authority, or its designee. In all other contexts herein, the Regulatory authority shall be the Director of Health of the City or his or her designated representative.

. . ."

Section 2

That Section 228.228, "Food Carts," of Section 22.26, "Amendments made to the Texas Food Establishment Rules," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

Section 228.228. Food Carts.

. . .

(b) Permit. Food carts operating within the City shall have a valid food service permit, if required, of the proper classification issued by the Dallas County regulatory authority, or its designee. Permits shall be attached to the Food cart and be prominently displayed within view of the public.

. . .

(d) Food items.

. . .

(2) The sale of food prepared at the food cart is prohibited in a residential district.

. . .

(m) [*Intentionally Deleted*]

(n) Approved location. Food carts shall be operated only:

. . .

(2) with permission from the Director of Parks if vending within a City park, and from the Director of Health if vending within City parking facilities, on public property maintained by the City (other than a public sidewalk), within or immediately adjacent to the downtown square, or within a public facility maintained by the City.

. . ."

Section 3

That Section 228.229, "Catering Trucks," of Section 22.26, "Amendments made to the Texas Food Establishment Rules," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part by addition* to include specific provisions related to the regulation of Catering trucks to read as follows:

Section 228.229 is added and titled Catering Trucks

(a) Permit. All catering trucks shall have a valid food service permit and such permit shall be prominently displayed to the public on the catering truck at all times.

(b) Initial Permitting Inspection. Catering trucks desiring to operate within the City of Garland must be inspected by, and permitted through, the Dallas County regulatory authority, or its designee, at a location designated by the Dallas County regulatory authority.

. . .

(o) Provisions Related to Ice Cream Trucks.

(1) Conflict. Generally, an Ice Cream Truck shall be regulated as a Catering Truck. However, the following provisions shall expressly apply to Ice Cream Trucks. In the event of a conflict between this subsection (o) and another ordinance of the City of Garland, to the extent the conflict is related to the operation of Ice Cream Trucks, the provisions of this subsection shall control.

(2) Initial Permitting Inspection. An Ice Cream Truck shall be permitted, if required, by the Dallas County regulatory authority, or its designee, at a location designated by the authority.

(3) Operation Locations. Ice Cream Trucks may operate and conduct business within public rights-of-way, including within residential districts, subject to the following:

a. An Ice Cream Truck shall comply with all applicable city, county, and state health laws and regulations.

b. An Ice Cream Truck vendor shall not vend within 40 feet of any intersection, stop sign, flashing beacon, yield sign, or other traffic control signal.

c. An Ice Cream Truck, when stopping for the purpose of making sales, may only park or stand in the right-of-way, as far as practicable from traffic and shall operate flashers and signals when stopped. In no event shall an Ice Cream Truck vendor stop for the purpose of making sales that prevent passage of other motor vehicles on the right-of-way or impede the flow of vehicular or pedestrian traffic.

d. Ice Cream Truck vendors shall only vend on the passenger side of the ice cream truck when stopped, parked, or standing within a public right-of-way.

e. An Ice Cream Truck may only operate a horn, sound amplification system, or other sound producing device or music system during authorized vending periods; but not when the truck is stationary.

(4) Operations Prohibited in the Vicinity of Schools. An Ice Cream Truck may not conduct vending operations or operate a horn, sound, amplification system, other sound producing device or music systems (1) within a school zone that is operational on days in which schools are in session, or (2) within two city blocks or 600 feet, whichever is greater, of the grounds of a public, private, or parochial elementary or secondary school between the hours of 11:00 am and 4:30pm on days when school is in session.

(5) Times of Operation. An Ice Cream Truck may operate within a public right-of-way between the hours of 11:00 a.m. and 30 minutes before sunset (as defined by the National Oceanic and Atmospheric Administration)."

Section 4

That Section 228.230, "Mobile Food Preparation Vehicles," of Section 22.26, "Amendments made to the Texas Food Establishment Rules," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to include specific provisions related to the permitting and regulation of Mobile food preparation vehicles to read as follows:

"Section 228.230 is added and titled Mobile Food Preparation Vehicles.

(a) Permit. Mobile food preparation vehicles shall have a valid permit and such permit shall be prominently displayed to the public on the vehicle at all times.

(b) Initial Permitting Inspection. Mobile food preparation vehicles desiring to operate within the City of Garland must be inspected by, and permitted through, the Dallas County regulatory authority, or its designee, at a location designated by the Dallas County regulatory authority.

Section 5

That Section 32.57, "Oversized and other vehicles-restrictions in residential zones," of Chapter 32, "Property Sanitation and Housing Services," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part by addition* to include an exception related to the operation of Ice Cream Trucks within a residential zone to read as follows:

"32.57 Oversized and other vehicles-Restrictions in residential zones

. . .

(C) Parking certain vehicles in residential zones

. . .

(10) A person commits an offense if the person parks a catering truck or mobile food unit, but not including lawfully operating Ice Cream Trucks, at any place within a residential zone.

. . ."

Section 6

That Section 22.70, "Specific Noises Prohibited," of Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part by addition* to include an exception related to the operation of Ice Cream Trucks within a residential zone to read as follows:

"22.70 Specific Noises prohibited.

(A) The following sounds are hereby determined to be specific noises, which can constitute a noise disturbance, and violations of this article are hereby defined:

. . .

(3) Exterior loudspeakers. Operating or permitting to be operated any loudspeaker or sound-amplifying equipment in a fixed or movable position mounted upon any vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to violate the sound levels as listed in section **22.69**, or which unreasonably disturbs or interferes with peace, comfort, and repose of neighboring persons of ordinary sensibilities-unless a permit of variance as outlined in section **22.76** is first obtained or the loudspeaker or sound-amplifying equipment is mounted upon an otherwise lawfully operating Ice Cream Truck.

. . ."

Section 7

That Chapters 22 and 32 of the Code of Ordinances for the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 8

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 9

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 12th day of December, 2023.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published: