

ORDINANCE NO.7681

AN ORDINANCE AMENDING 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 10.85, "FEES AND RATES," OF ARTICLE VII, "MASTER FEE AND RATE SCHEDULE," OF CHAPTER 10, "ADMINISTRATION," OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; CONFORMING LOCAL REGULATION OF MOBILE FOOD VENDORS, FOOD VENDING VEHICLES, TEMPORARY FOOD ESTABLISHMENTS, WORKPLACE FOOD SERVICE, FOOD MANAGER CERTIFICATION, PERMITS, FEES, INSPECTIONS, SPECIAL EVENTS, FIRE INSPECTIONS, AND RELATED REQUIREMENTS TO STATE LAW; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A TRANSITION CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

Section 1

That 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:

"Sec. 22.26 Amendments made to the Texas Food Establishment Rules

...

Section 228.2, relating to definitions, is amended by amending the following definitions to read as follows:

~~Catering truck. Any mobile food unit from which approved, prepackaged foods are sold or conveyed in such a manner that no direct food contact results.~~

Central Preparation Facility. A facility that is an approved and permitted retail food establishment at which food is prepared, stored, and wrapped; and the Mobile Food Unit is supplied with fresh water and ice; and emptied of waste water into a proper waste

disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the Mobile Food Unit utensil-washing sink. For a mobile food vendor or food vending vehicle, the term has the meaning and effect assigned by 25 Texas Administrative Code Chapter 226 and applies only to the extent a central preparation facility or commissary is required by state law. Use of a private residence as a central preparation facility is prohibited.

. . .

~~Food cart. A mobile food unit which is not motorized and which is propelled only by the operator, and which is designed and intended for the sale of certain prepackaged foods and precooked linked products, and which is serviced from another location.~~

. . .

~~Mobile Food Preparation Vehicle. A mobile food unit upon which food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.~~

Mobile Food Unit. A vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to trailers, mobile food vendors, food vending vehicles, and push carts) and used to store, prepare, display, serve or sell food. Mobile units must completely retain their mobility at all times. A Mobile Food Unit does not mean a stand or a booth. For purposes of mobile food vendor licensing, health inspection, and enforcement, the terms "mobile food vendor" and "food vending vehicle" shall have the meanings assigned by Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226.

Section 228.2, relating to definitions, is further amended by adding the following definitions to read as follows:

Food vending vehicle. A vehicle that operates as a food service establishment and is designed to be readily movable, as provided by Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226.

Mobile food vendor. A person who dispenses food or beverages from a food vending vehicle for immediate service or consumption, as provided by Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226.

State mobile food vendor license. A license issued by the Texas Department of State Health Services under Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226 for operation as a mobile food vendor.

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Section 228.33(a) is amended to read as follows:

At least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program, ~~and who has a valid and current food manager registration issued by the regulatory authority.~~ The City shall not require a food manager who holds a food manager certificate issued under Subchapter C, Chapter 438, Texas Health and Safety Code, to pay a fee for or hold a local food manager card, license, permit, certification, credential, or other local paperwork. ~~A food establishment that employs ten (10) or more persons shall operate with a registered food service manager on duty at all times of operation.~~

Section 228.33(b) is deleted in its entirety.

Section 228.33(d) is amended to read as follows:

A food establishment shall not continue to employ a person as a food handler who does not possess a valid certificate of satisfactory completion of an approved food handler training course within forty-five (45) days after his or her employment as food handler. Persons possessing ~~a valid food service manager registration~~ a valid food manager certificate issued under Subchapter C, Chapter 438, Texas Health and Safety Code shall be exempt from this requirement. Employees of a mobile food vendor

shall comply with the food handler and food manager certification requirements of Texas Health and Safety Code Chapter 437B, Chapter 438, and 25 Texas Administrative Code Chapter 226.

Section 228.222 is amended by adding a new Section 228.222(t) to read as follows:

(t) Mobile food vendors and workplace food service. A temporary food establishment permit is not required for a mobile food vendor that holds a state mobile food vendor license and operates in compliance with Texas Health and Safety Code Chapter 437B, 25 Texas Administrative Code Chapter 226, and all non-conflicting City fire, zoning, location, right-of-way, parking, special event, grease, wastewater, solid waste, noise, and nuisance regulations. A permitted food service establishment or permitted mobile food unit, and an employee or contractor of such establishment or unit, shall not be required to obtain an additional City permit or certification to transport, deliver, and serve food at the premises of a workplace if the activity satisfies Texas Health and Safety Code Section 437.030. The owner or operator of a workplace to which food is transported, delivered, or served under Texas Health and Safety Code Section 437.030 shall not be required to obtain a permit or certification solely for that activity.

Section 228.227 is amended by adding a new Section 228.227(d) to read as follows:

(d) State law limitations. This section does not authorize the City to require a permit, license, certification, or fee prohibited by Texas Health and Safety Code Chapters 437, 437B, or 438. A small-scale food business that satisfies Texas Health and Safety Code Section 437.0063 is exempt from City permit and permitting-fee requirements to the extent required by that section. A person operating under Texas Health and Safety Code Section 437.030 is exempt from additional City permit or certification requirements to the extent required by that section.

Section 228.228, titled "Food Carts," is changed to "Mobile Food Vendors" and is deleted *in its entirety* and replaced to read as follows:

Section 228.228 Mobile Food Vendors.

(a) Applicability. This section applies to mobile food vendors and food vending vehicles operating within the City. This section shall be construed consistently with Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226. In the event of a conflict, state law controls.

(b) State license required; no separate City health permit. A mobile food vendor may not operate within the City unless the vendor holds the state mobile food vendor license required by Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226 for each food vending vehicle. The City shall not require a separate City health permit, City health license, City health certification, or other City health authority for a mobile food vendor or food vending vehicle licensed by the Texas Department of State Health Services. The mobile food vendor shall display the state mobile food vendor license and health inspection certificate in a conspicuous location for public view as required by state law.

(c) Local requirements preserved. Nothing in this section limits the City's authority to enforce non-conflicting fire codes, zoning codes, location restrictions, parking regulations, traffic regulations, right-of-way regulations, special event requirements, park rules, grease and cooking-waste disposal requirements, wastewater and solid-waste disposal requirements, noise regulations, nuisance regulations, or other local laws that do not conflict with Texas Health and Safety Code Chapter 437B or 25 Texas Administrative Code Chapter 226.

(d) Special events. A mobile food vendor operating at a special event must obtain all non-health approvals required by Section 30.214 of this Code and any other applicable City special-event requirement, unless preempted by state law. A special-event approval may regulate site layout, fire lanes, emergency access, traffic control, pedestrian safety, electrical connections, generator placement, propane placement, grease and wastewater disposal, solid-waste disposal, operating location, and hours of operation, to the extent those requirements do not conflict with state law.

(e) Fire prevention. A mobile food vendor shall comply with Chapter 21 of this Code and all applicable fire-prevention requirements. The City shall not require a mobile food vendor to submit a food vending vehicle to an additional fire inspection if the vendor demonstrates that the vehicle passed a state or local fire inspection within the preceding twelve (12) months, unless an additional inspection is authorized by state law or is necessary to address an imminent fire or life-safety hazard not addressed by the prior inspection.

(f) Health inspections. Health inspections of mobile food vendors and food vending vehicles shall be conducted by the Texas Department of State Health Services or by a local authority acting under a collaborative agreement with the Texas Department of State Health Services. The City shall not require a mobile food vendor to submit to a City health inspection unless the City is acting under such a collaborative agreement or is otherwise authorized by state law, including authority to investigate a reported foodborne illness or a health or safety complaint.

(g) Dallas County health permitting. After July 1, 2026, a mobile food vendor operating within the City shall not be required by the City to obtain a Dallas County health permit unless Dallas County is acting under a collaborative agreement with the Texas Department of State Health Services or another provision of state law authorizes the requirement.

(h) Central preparation facility or commissary. A mobile food vendor shall comply with the central preparation facility, commissary, servicing, and recordkeeping requirements of Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226. The City shall not require a mobile food vendor to associate with a central preparation facility or commissary if the food vending vehicle carries the equipment necessary to comply with state law and properly disposes of grease, wastewater, and other cooking waste as required by state and local law.

(i) Grease, wastewater, and solid waste. A mobile food vendor shall dispose of grease, wastewater, sewage, graywater, and solid waste only at approved locations and in a manner that does not create a

public health hazard, nuisance, illicit discharge, obstruction, or violation of the City's plumbing, stormwater, wastewater, solid-waste, fire, or nuisance regulations. This subsection does not authorize the City to impose a health-permit requirement prohibited by state law.

(j) Property authorization; location. A mobile food vendor shall not operate on private property without the permission of the property owner or authorized agent, and shall not operate on City property, in a City park, in a public right-of-way, or at a special event except as authorized by this Code, the Garland Development Code, or other applicable City rule or permit. This subsection regulates location and property authorization and does not create a City health permit for mobile food vendors.

(k) Ice cream and prepackaged frozen novelties. A person may sell, offer for sale, or convey ice cream, shaved ice, or frozen novelty food products from a food vending vehicle within the City if the person holds the state mobile food vendor license required by state law and complies with all non-conflicting local fire, traffic, parking, location, special-event, and nuisance requirements. This subsection supersedes any local prohibition on mobile ice cream sales based solely on the use of a motor vehicle.

(l) Investigations and complaints. The City may investigate a mobile food vendor on reasonable suspicion that the vendor is violating a non-conflicting City ordinance or on receipt of a health or safety complaint to the extent authorized by state law. The City may report suspected violations of state law to the Texas Department of State Health Services and may recommend suspension or revocation of the state mobile food vendor license. Nothing in this section authorizes the City to suspend or revoke a state mobile food vendor license.

(m) Enforcement. A violation of a non-conflicting City requirement described in this section may be enforced as provided by this Code. Enforcement of the state mobile food vendor license, including denial, suspension, revocation, emergency suspension, or administrative penalty, is governed by Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226.

Section 228.229, titled Catering Trucks, is deleted in its entirety and reserved for future use.

Section 228.230, titled Mobile Food Preparation Vehicles, is deleted in its entirety and reserved for future use.

Section 228.231, titled Mobile Ice Cream Sales Prohibited, is deleted in its entirety and reserved for future use.

Section 228.247(c)(10) is amended to read as follows:

(10) Any permanent, fixed food establishment ~~or mobile food preparation vehicle~~ whose inspection score(s) during the previous fiscal year (October 1-September 30) rank in the highest five (5) percentile (arithmetic average) within its classification (as classified by the regulatory authority), shall be exempt from a permit fee for its next annual permit. This provision shall not apply to establishments that began operation or whose ownership or establishment name has changed during the fiscal year in which average scores are calculated.

Section 228.247 is amended by adding a new Section 228.247(m) to read as follows:

(m) State law limitations on permits and fees. The City shall not require a permit, license, certification, credential, paperwork, or other form of authority, or charge a fee, when prohibited by Texas Health and Safety Code Chapters 437, 437B, or 438. Any fee collected under this article shall be established, noticed, submitted, and limited as required by Texas Health and Safety Code Chapter 437, including Sections 437.0124, 437.0126, and 437.0127. The City shall not charge a local food manager card, license, permit, certification, credential, paperwork, or fee prohibited by Texas Health and Safety Code Section 438.1055.

Section 228.249 is amended by adding a new Section 228.249(e) to read as follows:

(e) Mobile food vendor inspections. The City shall not require a mobile food vendor or food vending vehicle to submit to a City health inspection except as authorized by Texas Health and Safety

Code Chapter 437B and 25 Texas Administrative Code Chapter 226. This subsection does not limit the City's authority to conduct fire inspections, special-event inspections, zoning inspections, location inspections, or other non-health inspections that do not conflict with state law.

Section 228.250(c) is amended to read as follows:

Consent to inspection. Application for and operation of a food establishment inside the City constitutes consent for the regulatory authority to inspect the food establishment to determine compliance with this article. For a mobile food vendor or food vending vehicle, this consent applies only to inspections authorized by Texas Health and Safety Code Chapter 437B, 25 Texas Administrative Code Chapter 226, a collaborative agreement with the Texas Department of State Health Services, or other applicable state law. It shall constitute an offense for any person to hinder, physically prevent, interfere with or otherwise obstruct the lawful inspection of a food establishment by the regulatory authority. Such actions may also constitute reason for suspension or revocation of permit. In addition, it shall also constitute an offense if any person willfully provides false information to the regulatory authority as it relates to enforcement of the provisions of this article.

Section 228.259 is added and titled Fee Schedule; Stakeholder Notice; State Law Limitations to read as follows:

Section 228.259 Fee Schedule; Stakeholder Notice; State Law Limitations.

(a) Fee schedule. The City shall establish a fee schedule for any fees collected under Texas Health and Safety Code Chapter 437 and this article and shall revise the fee schedule as necessary. The City shall submit a copy of the fee schedule to the Texas Department of State Health Services for inclusion in the registry established under Texas Health and Safety Code Section 437.0091 not later than the sixtieth (60th) day before the date the fee schedule goes into effect.

(b) Fee caps. A fee charged under this article to a food service establishment, retail food store, mobile food unit, roadside food vendor, temporary food service establishment, or employee of any of those entities shall not exceed the maximum amount authorized by Texas Health and Safety Code Section 437.0126 or other applicable state law. Reinspection fees may be charged only as authorized by state law.

(c) Stakeholder notice. The City shall provide an opportunity for stakeholders to sign up for e-mail updates regarding fees, permits, and inspection protocols or procedures under Texas Health and Safety Code Chapter 437. At least sixty (60) days before a fee, permit, or inspection protocol or procedure is revised, the City shall notify by e-mail all stakeholders who have signed up for e-mail updates under this subsection.

(d) TABC premises fee limitation. The City shall not charge a fee prohibited by Texas Health and Safety Code Section 437.01235 to a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment that has already paid a fee to operate to the Texas Department of State Health Services or to any county, municipality, or public health district.

(e) Sound regulations. Nothing in this article shall be construed to require a sound regulation permit, charge a sound regulation fee, or prohibit sound-related activity protected by Texas Health and Safety Code Section 437.029. The City may enforce the limitations described by Texas Health and Safety Code Section 437.029 and any non-conflicting ordinance adopted by the City.

(f) Small-scale food businesses. A small-scale food business that satisfies Texas Health and Safety Code Section 437.0063 is exempt from City permit and permitting-fee requirements to the extent required by that section.

...”

Section 2

That Section 10.85, "Fees and rates," of Article VII, "Master Fee and Rate Schedule," of Chapter 10, "Administration," of the Code of Ordinances of the City of Garland, Texas, is hereby amended in part to read as follows:

"Section 10.85. Fees and rates.

...

(C) Schedule of fees and rates.

...

Chapter 22, health.

~~Mobile food preparation vehicle permit fee~~ No separate City health permit fee may be charged to a mobile food vendor or food vending vehicle licensed under Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226, except as expressly authorized by state law.

Any fee charged under Chapter 22 shall be subject to the limitations, notice requirements, stakeholder e-mail update requirements, and registry submission requirements of Texas Health and Safety Code Chapter 437, including Sections 437.0124, 437.0126, and 437.0127.

..."

Section 3

That Chapter 22 and Chapter 10 of the Code of Ordinances of the City of Garland, Texas, shall be and remain in full force and effect, save and except as amended by this Ordinance.

Section 4

That, after July 1, 2026, any City form, checklist, application, web page, or administrative practice that requires a mobile food

vendor or food vending vehicle to obtain a City health permit or a Dallas County health permit as a condition of operating within the City shall be construed to require the state mobile food vendor license required by Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226, unless Dallas County is acting under a collaborative agreement with the Texas Department of State Health Services or another provision of state law authorizes the requirement. The City Manager or designee is authorized to update administrative forms and public guidance consistent with this Ordinance.

Section 5

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances of the City of Garland, Texas; provided, however, that this Ordinance does not authorize the City to suspend, revoke, or otherwise enforce a state mobile food vendor license except to the extent authorized by state law.

Section 6

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

Section 7

That this Ordinance shall be and become effective immediately upon and after its passage and approval, except that provisions conforming City regulation to the mobile food vendor license required by Texas Health and Safety Code Chapter 437B and 25 Texas Administrative Code Chapter 226 shall be administered consistently with the state-law transition date applicable to that license requirement.

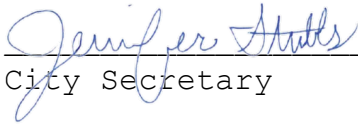
PASSED AND APPROVED this the 16th day of June, 2026.

CITY OF GARLAND, TEXAS



Mayor

ATTEST:



City Secretary

PUBLISHED: 06-25-2026
06-29-2026

