

CITY OF LAVON, TEXAS
ORDINANCE NO. 2024-03-07

Amend Mobile Food Unit Regulations

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 7 “HEALTH AND SANITATION”, ARTICLE 7.04 “FOOD ESTABLISHMENTS”, SECTION 7.04.003 “MOBILE FOOD UNITS AND MOBILE FOOD PARKS” OF THE CODE OF ORDINANCES OF THE CITY OF LAVON, TO AMEND THE CITY’S REGULATIONS REGARDING MOBILE FOOD UNITS AND MOBILE FOOD PARKS; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Lavon (the “City”) is a Home Rule municipality; and

WHEREAS, the City Council of the City (the “City Council”) adopted Chapter 7 “Health and Sanitation”, Article 7.04 “Food Establishments” of its Code of Ordinances, which sets forth various regulations for food establishments, including mobile food units and mobile food parks; and

WHEREAS, the City Council desires to amend the Chapter 7 “Health and Sanitation”, Article 7.04 “Food Establishments” to provide for additional regulations for mobile food units and mobile food parks; and

WHEREAS, the regulation of mobile food units and mobile food parks is necessary and in the interests of the public health, safety, and general welfare to manage the health and sanitation of food establishments in the City; and

WHEREAS, the non-regulation of mobile food units and mobile food parks in the city could result in undesirable impacts to the community; and

WHEREAS, after considering the necessity for orderly and appropriate regulations of mobile food units and mobile food parks within the city, the City Council does hereby find that the amendment approved hereby accomplishes such objectives.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. FINDINGS. After due deliberations and consideration of the recommendation of staff and information and other materials received, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety and welfare of its citizens.

SECTION 3. AMENDMENTS. Chapter 7 “Health and Sanitation”, Article 7.04 “Food Establishments”, Section 7.04.003 “Mobile food units and mobile food parks”, is hereby amended as follows, with additions indicated by underline and deletions indicated by strikethrough:

1. Subsection (b) is hereby amended to delete the term and definition for “Special temporary permit”.
2. Subsection (c)(1), (2), (3), (4), and (6) shall be amended to read as follows:

“(1) An individual(s) and/or entity(ies) wishing to operate a mobile food unit shall first obtain an annual health and safety permit issued by the city, and ensure that any property it intends to operate on holds proper zoning permits. The permit fees shall be set annually by the city council in the fee schedule. Only one (1) mobile food unit permit is allowed per applicant, per lot, or per calendar year.

(2) Mobile food units are permitted to be located on a site located in a properly zoned district and approved by the city. A mobile food unit must be located on private property on which is located a permanent structure in which a business is operating in accordance with a certificate of occupancy. Unless otherwise approved in the permit, vending MFUs mobile food units may not remain stopped for a period of more than 30 minutes in neighborhoods, on any public street, or public right-of-way, and mobile food units and their customers shall not sell or consume food within any public street, public alley, driveway, or fire lane unless closed to through traffic pursuant to permit issued by the city.

(3) Mobile food units shall be parked and located on a paved surface. Mobile food units will not be allowed to touch, lean against or be affixed temporarily or permanently to any building structure, wall, tree, shrubbery or planting bed. An operator of a mobile food unit 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.

(4) Mobile food units shall not impede access to the entrance or driveway of any adjacent property or building. A mobile food unit shall not encumber required parking spaces, drive aisles, or fire lanes of the property it is located on, or adjacent properties.

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(6) An operator of a mobile food unit is prohibited from using sound systems, bells, or music. Loudspeakers or loud noises of any kind for the purpose of attracting

attention to a mobile food unit is prohibited. Mobile food unit operators shall not hang or display merchandise on trees, umbrellas, or walls, or sell from any other structures located upon any public street, sidewalk, right-of-way, or other public property.”

3. Subsection (c)(9)(B), (C), (K), (L), (Q), and (X) shall be amended to read as follows:

“ . . .

(B) All food, supplies, and related equipment must be stored within the mobile food unit and all food shall be supplied from an approved source. The water supply for a mobile food establishment shall be from an internal water tank which must be filled from an external source when not in operation. Temporary connection of a mobile food establishment to a potable water source while in operation is prohibited.

(C) Unless otherwise provided for in the approved permit, a person who operates a mobile food unit may not place food, equipment, or supplies related to its operation outside of the permitted unit and must conduct all of its operational activities within the mobile food unit. The city may approve a canopy with table to serve food from the mobile food unit application, provided the operation complies with all of the regulations within this Section.

. . .

(K) Stationary mobile food units, except at a mobile food park, must be removed from their location daily.

(L) The operator of a mobile food unit shall demonstrate that the vehicle is readily moveable and operable if requested by the code enforcement officer or their designee. A mobile food unit operator shall not alter or modify a mobile food unit or the premises adjacent to the mobile food unit in a manner that would prevent the operation or mobility of the unit.”

. . .

(Q) Mobile food units shall have a current state food handler permit, state food manager’s license and a state sales tax permit. Evidence of current up to date permits and inspection reports shall be subject to inspections by the city health official or their designee at any time. A tax certificate from the State showing that sales tax is being collected on site, if applicable, shall be included with the mobile food unit application.

. . .

(X) Mobile food unit operators shall only engage in the sale and service of food and beverages. The sale of other products or services from a mobile food unit is

prohibited, including but not limited to, smoking/vaping products, sexually explicit and/or drug related paraphernalia, obscene material, sales real estate and vacation packages, marketing and advertising activities, sales of tickets for events, any non-food vending, and other services or products, unless otherwise approved by the city with issuance of the permit. The sale of alcoholic beverages by a mobile food unit shall be subject to city and state regulations.”

4. Subsection (c)(9) shall be amended by adding item (Y) to read as follows:

“(Y) A mobile food unit shall not be left unattended.”

5. A sentence shall be added after the heading of Subsection (d) to read as follows:

“(d) Mobile food regulations. In addition to the regulations for each mobile food unit described in Subsection (c), mobile food parks shall be subject to the following regulations:”

6. Subsection (e) shall be amended to read as follows:

“(e) Zoning.

- (1) A mobile food unit shall be permitted to operate only in non-residentially zoned districts, except as provided herein. Any property owner desiring to allow a mobile food unit (operating individually of a mobile food park) intending to operate (i) on any property for more than one (1) day, and/or (ii) on residential property, shall obtain a temporary use permit from the city. The operator of a mobile food unit may apply for the temporary use permit on behalf of the property owner, but must include the signature of the property owner. The mobile food unit shall have a copy of such permit available during operation. Vending mobile food units, including but not limited to ice cream trucks, shall be allowed in residential districts, provided that they are not stopped for longer than thirty (30) minutes when vending.
- (2) Unless otherwise approved in the ~~by the mayor~~ conditional use permit, a mobile food park shall ~~may~~ be permitted to operate only in non-residentially zoned districts.
- (3) The operation of a mobile food park shall require a conditional use permit issued by the city.
- (4) The operation of a mobile food park shall require a site plan approved by the city.
- (5) City-sponsored events may be exempt from this article.

SECTION 4: SAVINGS/REPEALING CLAUSE. 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 ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

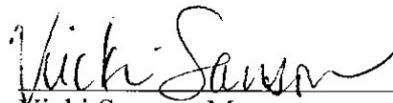
SECTION 5: SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: PENALTY. Any person, firm, corporation, or entity violating this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum in accordance with the penalty previously adopted for each section amended herein, or the general penalty for violations of the code in Section 1.01.009. Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7: PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 8. OPEN MEETING. That it is hereby 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 Chapter 551, Texas Government Code.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Collin County, Texas, on this the 19 day of March 2024.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary

