

**CITY OF GRANDVIEW, TEXAS
ORDINANCE NO. 2021-0805**

AN ORDINANCE OF THE CITY OF GRANDVIEW, TEXAS, AMENDING ARTICLE II, "PEDDLERS, SOLICITORS, AND VENDORS" AND ARTICLE III, "FOOD ESTABLISHMENTS OF CHAPTER 12, "BUSINESSES," THE CODE OF ORDINANCES OF THE CITY OF GRANDVIEW, TO ADD SPECIFIC REGULATIONS FOR MOBILE FOOD UNITS (FOOD TRUCKS); 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, Article III, "Food Establishments" of Chapter 12, Business of the Code of Ordinances does not currently provide any specific regulation of mobile food units; and

Whereas, Article II, "Peddlers, Solicitors and Vendors" provides only general regulations applicable to mobile food units in the same fashion as other peddlers, solicitors and vendors; and

WHEREAS, the city council desires to require mobile food units, commonly referred to as food trucks, to comply with certain regulations while operating within the City.

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

SECTION 1.

That Section 12-107, "Definitions," of Article III, "Food Establishments," of Chapter 12, "Businesses," the Code of Ordinances of the City of Grandview, Texas, is hereby amended to add the following definitions:

Mobile Food Unit. (Also known as Food Truck) shall mean 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. Mobile units must completely retain their mobility at all times. A mobile food unit does not include a stand or a booth. The terms food truck and mobile food unit shall be interchangeable.

Mobile Food Unit Operation Site. Shall mean the geographic area, within which a food truck will park, prepare, and sell food and/or beverages. This also includes areas where the mobile food unit's customers go to consume food and/or beverages sold from the mobile food unit.

SECTION 2.

That 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 add subsection (c) to read as follows:

(c) Mobile food unit operation site permit required.

1. A mobile food unit operator must have written permission from the owner or the owner's authorized representative of a property containing a mobile food unit operation site where a mobile food unit may be located from time to time. A mobile food unit must apply for a mobile food unit operation site permit from the City prior to operating a mobile food unit to operate on said property. The permit application shall include information that details where the mobile food unit will be located on the property along with the location of any refuse receptacle(s), restroom(s), vehicle parking, dining area(s), and any other pertinent information regarding the operation of the mobile food unit on and about the mobile food unit operation site. Additional information requested by the city, as may be deemed necessary by the city manager or his/her designee, to thoroughly review the application in unique circumstances shall also be submitted as part of the permit application.
2. A mobile food unit operation site permit for a mobile food unit operation site shall only be valid for a maximum period of ninety (90) days. The food truck operator may make application for renewal of the food truck operation site permit at the end of the period, with property owner's written permission. Renewal application should be made prior to the expiration date in order to prevent gaps in operation.
3. Private operations - Mobile food units will be allowed to cater private events to serve guests, but not sell to the public.
4. Public operations – A mobile food unit shall be permitted to operate within the City to sell product to the general public at city authorized or sponsored events, school sponsored events, Antique Alley, and Greater Grandview Chamber of Commerce hosted events. A mobile food unit shall be permitted to operate within the City to sell product to the general public on the first Sunday of every month. No more than two (2) mobile food units may be permitted for the same site on said day.
5. The city manager or his/her designee, in approving or denying such applications, shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this Code. The city manager or his/her designee shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any mobile food unit operation site permit at any time or to deny any extension. After such revocation, the use shall immediately cease and all temporary accessories, such as, refuse receptacle(s), dining, parking barriers, etc. shall be removed within ten days of notification of such revocation.
6. The required permit fee for mobile food unit operation site will be collected in accordance to the fee schedule.
7. Other permits required.
 - i. Each mobile food unit must have a valid vehicle registration, motor vehicle operator's license, proof of liability insurance, and a state sales tax permit.
 - ii. Each mobile food unit must obtain all proper health permits, and must be constructed and operated in accordance with the Texas Food Establishment Rules as adopted in Chapter 12 of this Code.

- iii. The owner of each mobile food unit shall be responsible for identifying and obtaining all other applicable permits and shall be responsible for conforming to all applicable city, county, state, and federal regulations.
8. Safety. The city manager, or designees shall have the authority to require additional safety measures be provided at the mobile food unit to ensure the health, safety, and welfare of the general public. These additional safety measures may include but are not limited to limitations governing the provision of utilities (water, wastewater, electricity, gas, etc.) to the mobile food unit, providing fire extinguishers, and adding limitations to the use of deep fat fryers or flat top grills in specific instances.
9. Inspections. Mobile food unit operation sites, and mobile food units may be inspected from time to time by appropriate city personnel or health authority to ensure compliance with applicable regulations. Mobile food unit parks, mobile food unit operation sites, and mobile food units shall immediately be made available for inspection upon request of such city or health authority personnel.

SECTION 3.

That “Peddlers, solicitors and vendors” under Section 12-19, “Definitions,” of Article II, Peddlers, Solicitors and Vendors,” of Chapter 12, “Businesses,” of the Code of Ordinances of the City of Grandview, Texas, is hereby amended to read as follows:

“Peddlers, solicitors, and vendors means any person or business entity, whether as owner, agent, consignee or employee, whether resident or nonresident of the city, who engages in a business of selling or offering for sale, food, beverages, goods, services, wares and merchandise or engages in soliciting orders for the sale of goods, services, wares and merchandise for future delivery and who, in furtherance of such purposes, hires, leases, uses or occupies any stand, motor vehicle, tent, or from his person. This definition does not include a “mobile food unit” or a “food truck.”

SECTION 4.

That Section 12-85, “Hours of operations,” of Article II, Peddlers, Solicitors and Vendors,” of Chapter 12, “Businesses,” of the Code of Ordinances of the City of Grandview, Texas, is hereby amended to read as follows:

“Vendors shall be allowed to engage in the business of vending only between the hours of 7:00 a.m. to 9:00 p.m. When temporary vending permits are issued for special events, the applicant may request from the city an exception to the usual hours of operation.”

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 not more than Five Hundred Dollars (\$500.00) for violations of this Ordinance. 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 sign ordinance, as amended, or any other ordinances affecting food establishments 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 in the official newspaper of the City of Grandview, the caption and effective date clause of this ordinance as authorized by 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 by the City Council of the City of Grandview, Texas, on this
the 5th day of August, 2021.

CITY OF GRANDVIEW


Zachary Stewart, Mayor

ATTEST:


Karen Fuller, City Secretary