

ORDINANCE NO. 2024-806

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AMENDING CHAPTER 8 “FOOD AND FOOD SERVICE ESTABLISHMENTS ORDINANCE”, ARTICLE II “FOOD SERVICE ESTABLISHMENTS”, OF THE CEDAR HILL CODE OF ORDINANCES; CREATING A A PILOT PROGRAM OF MOBILE FOOD VENDOR REGULATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council adopted Ordinance No. 2011-437 establishing mobile vending unit regulations; and

WHEREAS, the City Council seeks to protect the public health, safety, and welfare through a comprehensive regulatory program that includes food safety standards; and

WHEREAS, with these regulations, the City Council addresses potential health risks posed by Mobile Food Vendors and the applicability of certain state and local health codes; and

WHEREAS, the City Council is authorized to regulate Mobile Food Vendors by virtue of the Texas Constitution, the Texas Health and Safety Code, the Texas Administrative Code, the city’s police power and by Chapters 51, 54, 211, 212, 214, 216, and 217 of the Texas Local Government Code; and

WHEREAS, the City Council now adopts the appropriate administrative and regulatory amendments, rules, and procedures; and

WHEREAS, the City Council, having directed staff to formulate a pilot program for food trucks, after receiving significant staff research and public input, found the proposed amendment to be in the best interests of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:

SECTION 1 – AMENDMENT TO CHAPTER 8 “FOOD AND FOOD SERVICE ESTABLISHMENTS ORDINANCE”, ARTICLE II “FOOD SERVICE ESTABLISHMENTS”, OF THE CEDAR HILL CODE OF ORDINANCES

Chapter 8, Article II, of the Cedar Hill Code of Ordinances is hereby amended by the addition of Division 3 to read as follows:

DIVISION 3. MOBILE FOOD VENDOR REGULATIONS – PILOT PROGRAM

Sec. 8-47. - Purpose. This ordinance establishes a pilot program for Mobile Food Vendors. The purpose of the program is to ensure for the public safety, convenience, and protection of the City and the citizens of the City while allowing City Council, city staff, mobile food vendors, and citizens the opportunity to experience the pilot program and improve on it if the City Council chooses to make the program permanent.

Sec. 8-48. - Definitions. As used in this ordinance, these terms shall be defined as follows. Terms appearing in this ordinance but not defined herein shall have the meanings provided in the city's code of ordinances, or if not defined by the city, then the common meanings in accordance with ordinary usage.

Health Authority: means the Dallas County Health Department, or its designee, or any other agency charged with enforcement of regulations applicable to establishments regulated under this ordinance.

Mobile Concession Trailer: means a vending unit selling items defined as edible goods, which is pulled by a motorized unit and has no power to move on its own.

Mobile Food Truck: means a self-contained motorized unit selling items defined as edible goods.

Mobile Food Vending Unit: means a Mobile Food Truck or Mobile Concession Trailer.

Mobile Food Vendors: shall mean any business that operates or sells food for human consumption, hot or cold, from a Mobile Food Vending Unit.

Texas Food Establishment Rules or the Rules: means 25 Texas Administrative Code chapter 228, as amended.

Sec. 8-49. - Enactment. The City of Cedar Hill hereby enacts this ordinance implementing a pilot program to authorize the sale of food from mobile food vendors within the city limits as defined within this ordinance, limited to the boundaries identified in Exhibit A and establishing a mobile food vendor registration process for the pilot program:

Sec. 8-50. – Permissible Locations for Mobile Food Vending Units

Mobile Food Vending Units must be located on private property within the identified boundary in Exhibit A, and must comply with the following:

- (a) The private property must be located in the Local Retail, Industrial, Industrial Park, Uptown Overlay, Old Town Square or Old Town Corridor zoning districts, including

Planned Developments with the underlying zoning as provided within this section, as defined in Article 3 of the City's Zoning Ordinance, within the boundaries identified in Exhibit A, most commonly referenced as properties with frontage on and/or within Highway 67, Uptown, Downtown, FM 1382, and E Beltline Road from the city limits to the east and Highway 67 to the west.

- (b) The private property must be developed and improved and contain an existing permanent business operating in a building with a certificate of occupancy at all times, while the Mobile Food Vending Unit occupies the property. Mobile Food Vendors shall not operate within a public park, public right-of-way, publicly owned property or site without written permission from the City Manager or the City Manager's designee.
- (c) Mobile Food Vendors operating under a Special Event Permit shall be exempt from this subsection.

Sec. 8-51. – Requirements Applicable to all Mobile Food Vendors

- (a) No person shall act as a Mobile Food Vendor in the City without a health permit issued by Dallas County.
- (b) Each Mobile Food Vendor shall display at all times, in a conspicuous place where it can be read by the general public, the City of Cedar Hill registration form issued under this article.
- (c) Mobile Food Vendors shall not operate within a public park, public right-of-way, publicly owned property or site without written permission from the City Manager or the City Manager's designee.
- (d) Mobile Food Vendors must meet all applicable state and local laws and regulations, including but not limited to the Texas Food Establishment Rules.
- (e) Mobile Food Vendors must meet all applicable laws regarding Mobile Food Vendors as described in the International Fire Code (IFC), 2018 edition, and subsequent editions as amended.
- (f) Mobile Food Vending Units must be movable by motorized means.
- (g) The Mobile Food Vendor shall secure and display at all times, in a conspicuous place where it can be read by the general public, a health permit from Dallas County.
- (h) When required, Mobile Food Vending Units must be equipped with commercial mechanical facilities sufficient to provide proper cooking ventilation and fire suppression for eating establishments, as established under the City's adopted building and fire codes. All equipment on the vehicle is to be NSF International (formerly National Sanitation Foundation) approved, American National Standards Institute (ANSI) approved, or of commercial grade.
- (i) Every Mobile Vending Unit shall have a 5lb ABC fire extinguisher. A Class K extinguisher is required in addition to the 5lb ABC extinguisher.
- (j) Electrical equipment shall be UL listed.

- (k) Any Mobile Food Vendor stationed on private property shall provide garbage facilities for employee and customer use of sufficient size, such that that refuse is fully contained and removed from the site at end of operations.
- (l) The Mobile Food Vendor shall display at all times, in a conspicuous place where it can be read by the general public, a copy of a Texas sales tax and use certificate.
- (m) Mobile Food Vending Units shall be separated from existing buildings and other mobile food vending units by a minimum of ten (10) feet.
- (n) Mobile Food Vendors shall not set up in fire lanes or occupy more than 10% of the required parking spaces that are necessary for the use of an existing business.
- (o) The Mobile Food Vending Unit and any parking areas used by the Mobile Food Vendor or its customers, shall be located on a paved surface, or an alternative all-weather surface as approved by the City, and wholly within the property listed in the Property Owner Authorization portion of the Mobile Food Vending Registration form with the City.
- (p) Each Mobile Food Vending Unit shall be clearly marked with the food establishment's name or a distinctive identifying symbol and shall display the name while in service within the City.
- (q) The Mobile Food Vendor shall prepare, serve, store and display food and beverages on or in the Mobile Food Vending Unit itself; and shall not attach, set up, or use any other device or equipment intended to increase the selling, storing or displaying capacity of the Mobile Food Vendor.
- (r) No Mobile Food Vendor may operate outside of the hours of 8:00 AM to 10:00 PM, unless otherwise authorized within a Special Event permit.
- (s) Electricity shall be from a generator and the Mobile Food Vendor shall utilize electrical cords in conformance with the National Electrical Code as adopted and amended by the City.
- (t) Two sandwich board signs may be used on-site during business hours. All other signage must be on the truck or trailer and mounted flush to the surface of the unit.
- (u) Mobile Food Vendors must comply with City Code, Chapter 23 Zoning Ordinance, Division 5.5 Performance Standards.
- (v) Drive-through service from Mobile Food Vendors is prohibited.
- (w) Alcohol sales from Mobile Food Vendors is prohibited.

Sec. 8-52. - Mobile Food Vendor Registration. Mobile Food Vendors must register with the City annually. Expiration of the registration will be December 31, each calendar year. Operators must submit a new registration form prior to the expiration date. Any updates to the Private Property authorization shall be updated with the City within 48 hours of any modifications.

- (a) Registration forms are accessible from the City's website and available from the Building Inspections Department.
- (b) At the time of the Pilot Program, no fee shall be assessed for registration of the Mobile Food Vending Unit.

- (c) Registration with the City is not transferable.
- (d) The Mobile Food Vendor must submit with the registration form from the City, written authorization from the owner of the property, or the owner's authorized agent, consent to the Mobile Food Vendor operating on said property. Property owner authorization includes all private property owners where the Mobile Food Vending Unit will be stationed.
- (e) The registration for a Mobile Food Vendor shall include the following information:
 - (1) name, legal name of business or entity, business address, telephone number, and email address of the applicant;
 - (2) the applicant's identification number as shown on a current and valid government-issued identification document that includes a photograph of the applicant; if the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;
 - (3) name, legal name of business or entity, business address, telephone number, and email address of the owner if the owner is not the applicant;
 - (4) signed and notarized permission from all private property owners where the Mobile Food Vending Unit will be stationed;
 - (5) the manner of mobile food vending operation to be conducted (for example, food truck, food trailer, or mobile vending truck.); the make, model, year, license or registration, and vehicle identification number of each vehicle to be used in the mobile food vending operation;
 - (6) proof of motor vehicle insurance for each vehicle to be used in the mobile food vending operation;
 - (7) an itinerary of locations where sales will occur; and a location map and sketch of site location for each location to be used by the Mobile Food Vendor;
 - (8) a copy of the vendor's current health permit from Dallas County;
 - (9) a description of the type of food or the specific foods to be vended;
 - (10) a valid copy of the applicant's sales tax and use tax permit; and
 - (11) any other information reasonably required by the Director of Planning.

Sec. 8-53. - Access to Restroom Facilities.

- (a) Any Mobile Food Vendor that will be in one location for more than four (4) hours must submit to the City written proof of a restroom facility agreement that provides the availability of a fixed establishment restroom for the use of the Mobile Food Vendor employees and customers located in a business establishment within one hundred fifty (150) feet of each location where the Mobile Food Vending Unit will be in operation.
- (b) Proof of availability of a fixed establishment restroom shall be in the form of a written and notarized statement from the property owner, or owner's authorized agent, including the name, address, and telephone number of the property owner or authorized agent, and the type of business and hours of operation of the business, granting permission for the use of

the facilities. If the business owner is a partnership or corporation, the statement shall include the name, address and telephone number of one of the partners or officers.

- (c) A copy of the records shall be immediately available for inspection by the City on the Mobile Food Vending Unit.

Sec. 8-54. - Registration Revocation

- (a) The City Manager or City Manager's designee may revoke permissions for operation granted through the registration with the City, under this ordinance, by a Mobile Food Vendor if the operators violate any provisions of this ordinance, including but not limited to:
 - (1) Operating without a completed registration with the City.
 - (2) Operating from property outside of permissible areas outlined in this ordinance.
 - (3) Operating from private property without the required property owner authorization.
 - (4) Operating without a current health permit from Dallas County.
- (b) If the registration is revoked, the Mobile Food Vendor cannot operate within the City without applying for a new registration form.
- (c) Repeat violations of this ordinance will prevent a Mobile Food Vendor from submitting a new registration for 6 months following the notice of violation.

SECTION 2. SAVINGS. This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Cedar Hill, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event, conflicting provisions of such ordinances and Code are hereby repealed; 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.

SECTION 3. SEVERABILITY. The terms and provisions of this ordinance shall be deemed to be severable and if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this Ordinance.

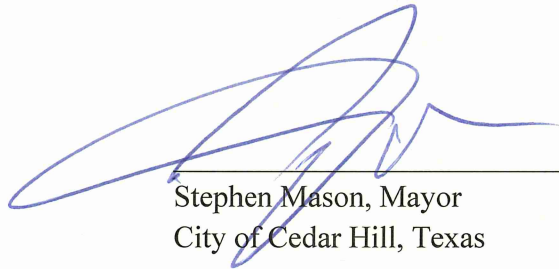
SECTION 4. PENALTY. Any person, firm, entity or corporation who violates any provision of this Ordinance or the City's Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction, therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation 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 5. INCORPORATION INTO CODE OF ORDINANCES. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Cedar Hill, Texas, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

SECTION 6. EFFECTIVE DATE. Because of the nature of the interests sought to be protected and of the safeguards sought to be provided by this Ordinance, and in the interest of the health, safety, and welfare of the citizens of Cedar Hill, Texas, this Ordinance shall take effect June 1, 2024, after its passage, approval, and publication as required by law. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption hereof as an alternative method of publication provided by law.

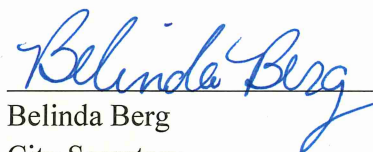
SECTION 7. PUBLICATION. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED AND APPROVED by the City Council, the City of Cedar Hill, on this the 23rd day of April 2024.




Stephen Mason, Mayor
City of Cedar Hill, Texas

ATTEST:



Belinda Berg
City Secretary

APPROVED AS TO FORM:



Ron G. MacFarlane, Jr.
City Attorney