

Harker Heights

*The Bright Star Of
Central Texas*



JULY 21, 2020

3:00 P.M.

CITY COUNCIL WORKSHOP AGENDA





**NOTICE OF WORKSHOP OF THE CITY COUNCIL OF
THE CITY OF HARKER HEIGHTS, TEXAS
VIA TELECONFERENCE**

*The Bright Star Of
Central Texas*

The City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Notice is hereby given that, beginning at 3:00 p.m. on Tuesday, July 21, 2020, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will conduct a telephonic workshop meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

WORKSHOP AGENDA

I. Roll Call:

II. Presentations by Citizens:

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

III. New Business:

1. Receive and discuss an Update on the Fiscal Year 2019-2020 Budget and a look forward to the 2020-2021 Budget. (Assistant Finance Director).
2. Receive and discuss a draft Ordinance regulating Mobile Food Vendors and Mobile Food Vendor Courts. (Planning and Development Director)

IV. Adjournment:

I hereby certify that the above notice of meeting was posted on the window board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 17th day of July 2020 by 2:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Juliette Helsham
City Secretary

The public may participate remotely in this meeting by dialing-in using the toll-free number: (866) 899-4679 and use Access Code: 367-127-605.

To join the meeting from your computer, tablet or smartphone, use the following meeting link: <https://global.gotomeeting.com/join/367127605>

The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. Agenda packet and recording of the telephonic meeting will be available on the City of Harker Heights website at www.ci.harker-heights.tx.us.

"This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov for further information."

"Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary."



COUNCIL MEMORANDUM

AGENDA ITEM # III-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JULY 21, 2020

RECEIVE AND DISCUSS AN UPDATE ON THE FISCAL YEAR 2019-2020 BUDGET AND A LOOK FORWARD TO THE 2020-2021 BUDGET.

EXPLANATION:

The Assistant Finance Director will provide an update on the Fiscal Year 2019 – 2020 Budget in light of the recent COVID-19 pandemic.

Topics of discussion will include:

- Budgetary actions the City has taken in response to COVID-19
- FY 2019 – 2020 Revenues
- FY 2020 – 2021 Budget Preparation
- FY 2020 – 2021 Revenues
- FY 2020 – 2021 Property Tax Rate

ATTACHMENTS:

1. FY 2020 – 2021 Tentative Calendar.

FY 2020 - 2021 TENTATIVE BUDGET AND TAX CALENDAR

7/16/2020

Date Due		Event/Requirement/Action
Monday	January 01	Application Period Opens for New Outside Agencies to Request Funding
Tuesday	January 21	Technology Related Fixed Asset Requests Due to IT (IT will get quotes and send back to the department)
Friday	February 07	Technology Quotes Returned to Departments From IT
Friday	February 14	Submit Top Five Fixed Asset Requests to Finance
Friday	February 28	Budget Kickoff Meeting - Planning Forms will be discussed Department Head Presentation of Top Five Fixed Asset Requests
Friday	March 20	Planning Forms Due to Finance: Fixed Assets, Capital Improvements and Personnel Requests
Friday	April 03	Discussion on Line Item Worksheets and INCODE Data Entry
Friday	April 03	Line Item Worksheets Distributed to Departments
Friday	April 24	Line Item Worksheets and Data Input Due to Finance
	May	Review departmental budget requests and begin preparing budget draft
	May - June	Meet with department heads separately on their budgets
Friday	May 29	Last Day for New Outside Agencies to Submit Applications Last Day for All Outside Agencies to Submit Funding Requests
	TBD	Presentations by Outside Agencies
	June	Debt Service Information Requests will be sent out by Bell County Appraisal District
Saturday	July 25 +	Receipt of Appraisal Roll and Estimated Collection Rate from Bell County Appraisal District
Monday	August 03	Distribute Department Narratives / Performance Measures to Department Heads
Friday	August 07 +	Receipt of calculated no new revenue and voter approval tax rates from Bell CAD Tax rates, fund balances, and debt obligations published (newspaper / website)
Tuesday	August 11	Proposed Budget Filed with City Secretary Present Proposed Budget and Tax Rate to Council
Friday	August 14	Budget Retreat and Council Discussion
Sunday	August 30	Notice of Public Hearing on Budget and Fee Schedule (newspaper / website)
Sunday	September 06	Notice of Public Hearing on Budget and Fee Schedule (newspaper / website)
Tuesday	September 08	Budget Public Hearing and Adoption / Ratification of Tax Increase (if applicable)
Sunday	September 13	Notice of Tax Rate Increase (newspaper / website)
Sunday	September 20	Notice of Tax Rate Increase (newspaper / website)
Tuesday	September 22	Tax Rate Public Hearing and Adoption
Monday	October 05	Department narratives due



COUNCIL MEMORANDUM

AGENDA ITEM # III-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JULY 21, 2020

RECEIVE AND DISCUSS A DRAFT ORDINANCE REGULATING MOBILE FOOD VENDORS AND MOBILE FOOD VENDOR COURTS.

EXPLANATION:

Following a City Council workshop on May 15, 2020, and a Planning and Zoning Commission (P&Z) workshop on June 24, 2020, staff created the attached Draft Mobile Food Vendor Ordinance for review and discussion. This effort was initiated at the behest of a citizen request of the City to clarify requirements for mobile food vendors during the April 28, 2020, City Council Meeting.

Staff reviewed the Harker Heights Code of Ordinances and did not identify any direct regulations for mobile food vendors or food truck courts. When asked about the City's mobile food vendor regulations, staff must infer requirements from different sections of the Code.

Staff consulted numerous sources for input on potential mobile food vendor requirements, including the City Council, P&Z, and neighboring municipality regulations. Staff also collaborated with the Harker Heights Chamber of Commerce for their assistance in engaging local and regional mobile food vendors for their feedback and willingness to operate within a mobile food vendor court. The Chamber's research is presented below:

- Do you feel safe for your employees and customers setting up in a street to conduct business? **All said Yes.**
- If allowed to park in the street, what is the time frame that you need to be stationed on the street to conduct business? **Majority: Minimum of 3 hours.**
- What do you feel is a fair distance to setup from other restaurants? **Comments were 50 and 100 yards.**
- Do you have any interest in setting up at a food truck park located in Harker Heights? **All said: YES. We have several that would like to do business in Harker Heights but need suppression system and they cannot afford one. They need a sponsor or grant money since the rules are strict in Harker Heights.**

- Would you pay a fee to setup at the food truck park? **Yes.**
- What location in Harker Heights do you feel would make a great food truck park? **By the (Carl Levin) park behind Rooms to Go, south of Interstate 14. Carl Levin is a tight fit....food truck parks need shade, seating, and some form of entertainment....music from a DJ or local talent.**
- What qualities do you feel would make a great food truck park? Check all that apply:
 - **Location**
 - **Facilities: Restroom, Lighting, Accessibility**
 - **Open Weekends Only**
 - **Offer Entertainment**
- What community do you feel has done a great job with their food truck park? Please share why. **Leander TX. Temple is doing a pretty good job and Belton TX is gaining a great spot.**
- What experience have you had that you did not like? **Good and bad come with the territory...poor placement in a food truck park. Poorly thought out traffic flow (customers).**

The City maintains regulations regarding the safety of mobile food vendors which stricter than the requirements of neighboring communities. These requirements are adapted from the International Fire Code, and staff believes other cities will come to adopt similar safety regulations, as they are necessary to maintain the safety of the food vendors, the public, and surrounding properties. Therefore, these requirements are included in the attached draft ordinance.

Staff believes a new Chapter within the Code of Ordinances that regulates mobile food vendors and mobile food vendor courts would assist businesses, citizens, and public officials in understanding their requirements and responsibilities. Staff asks the City Council to review the attached draft ordinance, provide feedback and modifications, and confirm certain highlighted variables within the ordinance.

ATTACHMENT:

1. Draft Mobile Food Vendor Ordinance
2. PowerPoint Presentation

CHAPTER 126: MOBILE FOOD VENDOR REGULATIONS

GENERAL PROVISIONS

§ 126.01 SHORT TITLE AND PURPOSE

- (A) This Chapter may be known and cited as “Mobile Food Vendor Business Regulation.”
- (B) The purpose of this Chapter is to protect the welfare of the citizens of the City of Harker Heights by monitoring and regulating Mobile Food Vendor businesses. To this end, this Chapter establishes a permit program for Mobile Food Vendor businesses, imposes regulations of business operations of Mobile Food Vendor businesses, and imposes civil penalties for violations of this Chapter by Mobile Food Vendor businesses.

§ 126.02 DEFINITIONS

- (A) As used in this Chapter, these terms shall be defined as follows.
 - (1) **COMMISSARY.** A central preparation facility or other fixed food establishment that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption to mobile, temporary, and portable food vendors.
 - (2) **DIRECTOR.** The Director of Planning and Development.
 - (3) **EVENT.** Any occasion or activity where one or more vendors offer goods, services, entertainments, amusements or other like products or activities to the public for profit or for free.
 - (4) **FOOD BOOTH.** A food vending unit that is generally a temporary structure used to prepare and sell food to the public.
 - (5) **FRANCHISEE.** A business entity with whom the city has a current contractual agreement, which entitles the entity to use city rights-of-way or easements for the provision of the entity's services to citizens of the community.
 - (6) **HEALTH AUTHORITY.** The Bell County Health Department, or its designee, or any other agency charged with enforcement of regulations applicable to establishments regulated under this ordinance.
 - (7) **LOT DIAGRAM PLAN.** A diagramed plan that includes property lines, adjacent rights-of-way, location of all Mobile Food Vending Units, parking areas and surface material, maneuvering areas and surface material, seating areas, and any other information reasonably required by the Director of Planning and Development.

- (8) **MOBILE CONCESSION TRAILER.** 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.
 - (9) **MOBILE FOOD CART OR CONCESSION CART.** A mobile vending unit, selling items defined as edible goods, that must be moved by non-motorized means.
 - (10) **MOBILE FOOD TRUCK.** A self-contained motorized unit selling items defined as edible goods.
 - (11) **MOBILE FOOD VENDING UNIT.** A Mobile Food Truck, Mobile Food Cart, Concession Cart, or Mobile Concession Trailer.
 - (12) **MOBILE FOOD VENDORS.** Any business that operates or sells food for human consumption, hot or cold, from a Mobile Food Vending Unit.
 - (13) **MOBILE FOOD VENDOR FOOD COURT.** A site designed for the operation of one or more Mobile Food Vendors as the primary use.
 - (14) **MOBILE FOOD VENDOR PERMIT.** The document(s) issued by the city authorizing the peddling, soliciting, or vending activities, pursuant to this Chapter.
 - (15) **MOTOR VEHICLE.** Any vehicle used for the displaying, storing, or transporting of articles for sale by a peddler, solicitor, and/or vendor, which is required to be permitted and registered by the state. The term also includes trailers, trucks, and automobiles.
 - (16) **PERMITTEE.** The holder of a permit issued by the city issued pursuant to this Chapter.
 - (17) **TEXAS FOOD ESTABLISHMENT RULES OR THE RULES.** Refers to 25 Texas Administrative Code Chapter 228, as amended.
- (B) 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.

§ 126.03 ADMINISTRATIVE RULES.

The Director shall adopt administrative rules to implement, administer, and enforce this Chapter.

PERMITS

§ 126.04 PERMIT REQUIRED

- (A) All Mobile Food Vendors shall obtain a Mobile Food Vendor Permit issued by the Fire Department for a Mobile Food Vending Unit before the Mobile Food Vendor may operate in the city.
- (B) A Mobile Food Vendor must obtain a separate Mobile Food Vendor Permit for each Mobile Food Vending Unit.

§ 126.05 PERMIT APPLICATION

- (A) A Mobile Food Vendor who seeks a Mobile Food Vendor Permit for a Mobile Food Vending Unit must submit an application to the Fire Department on a form provided by the Fire Marshal. The application must include:
 - (1) The names, mailing addresses, email addresses, and telephone numbers of all persons who have an ownership interest in, or who will manage the proposed Mobile Food Vending Unit;
 - (2) The Mobile Vending Unit name and type;
 - (3) The Mobile Vending Unit vehicle data, including make, model, VIN number, color, and license information;
 - (4) A submitted Business Registration Application for the Mobile Food Vendor issued by the Director;
 - (5) Information required by administrative rule; and
 - (6) Other information reasonably required by the Fire Marshal or Director to confirm compliance with the requirements of this Chapter.
- (B) An applicant shall pay the nonrefundable permit fee established by ordinance.
- (C) The Fire Marshal shall issue a Mobile Food Vendor Permit for a Mobile Food Vending Unit when:
 - (1) The Mobile Food Vendor Permit application has been completed and submitted with all necessary information as required in this section to confirm compliance with the provisions of this Chapter;
 - (2) The Mobile Food Vending Unit has passed an inspection by the Fire Marshal's Office to confirm compliance with the requirements of this Chapter including specifically the provisions of Section 126.15;

- (3) The Mobile Food Vendor is in compliance with all provisions of this Chapter, including specifically the provisions of Section 126.15; and
 - (4) The Mobile Food Vending Unit has at minimum one (2A-10BC) portable fire extinguisher that has a current tag from a licensed extinguisher company that indicates that it has been serviced and inspected.
- (D) If the Mobile Food Vending Unit does not meet the provisions of this Chapter, including specifically the provisions of Section 126.15, the potential exists for it to be issued a Temporary Non-Conforming Mobile Food Vendor Permit to operate subject to the following conditions:
- (1) Upon a determination by the Fire Marshal that no risk or danger to public health or safety will result, some code requirements may be waived for a short duration; others such as exterior ¼ turn shut-off valves for fuel sources may not be waived. Due to the number of variables the waiver of established code requirements for a Temporary, Non-Conforming Mobile Food Vendor Permit is a case by case review, based on health and safety risks and conditions.
 - (2) If under the currently adopted code, a Mobile Food Vending Unit would normally be required to have a Type I hood and does not have one, the Mobile Food Vending Unit must then have the correct size and number of Class K fire extinguishers as defined by the current adopted model codes.
 - (3) Fuel sources for compressed gasses such as Liquefied Petroleum Gas (LPG) and Compressed Natural Gas (CNG) shall be limited to an aggregate total of **forty (40) pounds**.
 - (4) This Temporary Non-Conforming Mobile Food Vendor Permit is not applicable to Food Booths.
 - (5) Temporary Non-Conforming Mobile Food Vendor Permits issued shall be valid for only **twenty-four (24)** specified hours.
 - (6) Temporary Non-Conforming Mobile Food Vendor Permits may only be issued **twice per calendar year**.
 - (7) The Mobile Food Vending Unit must be placed with a separation distance of **fifteen (15)** feet from any permanent or temporary structures on all sides.
 - (8) A Fire Watch, as defined by current adopted code must be initiated and funded to monitor the Mobile Food Vending Unit during its entire operations, including setup and teardown, when **two (2) or More** Mobile Food Vending Units are operating at the same time and location.

- (9) Granting of a Temporary Non-Conforming Mobile Food Vendor Permit by the City of Harker Heights does not exempt or excuse the applicant or responsible person from the consequences, damages, or injuries resulting from the operation listed above and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the above listed operation is otherwise conducted in compliance with this Chapter.
- (E) A Mobile Food Vendor Permit is void if the applicant obtains the Mobile Food Vendor Permit by knowingly providing false information on the application.

§ 126.06 PERMIT APPROVAL OR DENIAL.

- (A) The Fire Marshal shall approve a Mobile Food Vendor Permit application if the Fire Marshal determines that the Mobile Food Vendor and the proposed Mobile Food Vending Unit meet the requirements of § 126.05 (Permit Application).
- (B) The Fire Marshal shall deny a Mobile Food Vendor Permit application if the Fire Marshal determines that the Mobile Food Vendor or Mobile Food Vending Unit as proposed would not comply with the requirements of this Chapter.
- (C) The Fire Marshal shall deny a Mobile Food Vendor Permit application if the Fire Marshal determines that the applicant provided incorrect or incomplete information on the application.
- (D) The Fire Marshal shall deny an application for a Temporary Non-Conforming Mobile Food Vendor Permit if the Fire Marshall determines that the Mobile Food Vending Unit as proposed would not comply with the requirements of this Chapter or the granting of a waiver to authorize a Temporary Non-Conforming Mobile Food Vendor Permit would pose a risk or danger to the public health or safety.
- (E) If the Fire Marshal does not approve or deny an application within 45 days of the date it is filed, the application is denied.
- (E) The Fire Marshal shall give written notice of a denial of an application to the applicant.
- (F) An applicant may appeal to the Board of Adjustment a denial of a Mobile Food Vendor Permit application in accordance with § 125.13 (Appeal).

§ 126.07 PERMIT NOT TRANSFERABLE.

A Mobile Food Vendor Permit issued under this Chapter is not transferable to another person, Mobile Food Vendor, or Mobile Food Vending Unit.

§ 126.08 PERMIT NOT A RIGHT.

A Mobile Food Vendor Permit issued under this Chapter is a grant of a privilege and is not a

property right.

§ 126.09 PERMIT EXPIRATION; RENEWAL.

A Mobile Food Vendor Permit issued under this Chapter expires **one year** after the date it is issued. A Mobile Food Vendor Permit holder shall file an application for Mobile Food Vendor Permit renewal not sooner than the 90th day and not later than the 45th day before the Mobile Food Vendor Permit expires.

§ 126.10 REQUIREMENT TO SUPPLEMENT INFORMATION.

While a Mobile Food Vendor Permit application is pending or a Mobile Food Vendor Permit is in effect, an applicant or permit holder shall immediately supplement the information provided to the Fire Marshal or Director in the Mobile Food Vendor Permit application if the information is or becomes inaccurate, incomplete, or misleading.

§ 126.11 PERMIT SUSPENSION.

- (A) The Fire Marshal or Director may suspend a Mobile Food Vendor Permit issued under this Chapter without prior notice or hearing if the Fire Marshal or Director determines that:
- (1) The Mobile Food Vendor Permit holder, the manager, or an employee of the Mobile Food Vendor has violated a requirement of this Chapter;
 - (2) The Mobile Food Vendor or Mobile Food Vending Unit does not comply with this Chapter; or
 - (3) The Mobile Food Vendor Permit holder does not qualify for a permit under this Chapter.
- (B) If the Fire Marshal or Director suspends a Mobile Food Vendor Permit:
- (1) The Director shall give written notice to the Mobile Food Vendor Permit holder that the Mobile Food Vendor Permit is immediately suspended on receipt of the notice.
 - (2) The Mobile Food Vendor Permit holder shall immediately close the Mobile Food Vending Unit.
 - (3) Any Mobile Food Vendor Permit which has been suspended under this Chapter shall be surrendered upon demand to the Director. At the end of the period of suspension, in the absence of further violations, the surrendered Mobile Food Vendor Permit shall be returned to the Mobile Food Vendor Permit holder and shall be valid under the provisions of this code. If the period of suspension extends beyond the normal expiration date of the Mobile Food Vendor Permit, the Mobile Food Vendor Permit holder shall pay all Mobile Food Vendor Permit

fees without proration in order to receive a valid Mobile Food Vendor Permit.

- (C) Suspension of a Mobile Food Vendor Permit is effective on receipt of notice.
- (D) A Mobile Food Vendor Permit holder may file with the Director a written request for a hearing on a Mobile Food Vendor Permit suspension. The request must be filed not later than the 10th day after the date of receipt of notice of suspension.
- (E) If a Mobile Food Vendor Permit holder timely files a hearing request:
 - (1) The Director shall hold a hearing on the permit suspension not later than the 14th day after the date the hearing request is filed.
 - (2) At such hearing, the Mobile Food Vendor Permit holder may present information to the Director addressing the Director's suspension of a Mobile Food Vendor Permit and reasons, if any, that the Mobile Food Vendor Permit holder believes the suspension is not warranted.
- (F) If a hearing request is not timely filed, a suspension continues in effect.
- (G) After hearing, the Director shall give written notice to the Mobile Food Vendor Permit holder as to whether suspension is continued in effect after a hearing under Subsection (E).
- (H) The Director may reinstate a permit if the reason for suspension no longer exists.

§ 126.12 PERMIT REVOCATION.

- (A) The Fire Marshal or Director may revoke a Mobile Food Vendor Permit issued under this Chapter if the Fire Marshal or Director determines that:
 - (1) The Mobile Food Vendor Permit holder, the manager, or an employee of the Mobile Food Vendor has engaged in serious or repeated violations of this Chapter;
 - (2) The Mobile Food Vendor or Mobile Food Vending Unit does not comply with this Chapter; or
 - (3) The Mobile Food Vendor Permit holder does not qualify for a permit under this Chapter.
- (B) Before revoking a Mobile Food Vendor Permit, the Director shall provide the Mobile Food Vendor Permit holder with written notice of the pending permit revocation. The written notice shall include:
 - (1) The reason the Mobile Food Vendor Permit is subject to revocation;

- (2) The date on which the Mobile Food Vendor Permit is scheduled to be revoked; and
 - (3) A statement that the Mobile Food Vendor Permit will be revoked on the scheduled date unless the Mobile Food Vendor Permit holder files a written request for a hearing with the Director not later than the 10th day after the date the notice is received.
- (C) A Mobile Food Vendor Permit revocation becomes effective on expiration of the time period prescribed by the notice if the Mobile Food Vendor Permit holder does not file a written request for hearing with the Director not later than the 10th day after the notice is received.
- (D) If a Mobile Food Vendor Permit holder timely files a hearing request:
- (1) The Director shall hold a hearing on the Mobile Food Vendor Permit revocation not later than the 14th day after the date the hearing request is filed.
 - (2) At such hearing, the Mobile Food Vendor Permit holder may present information to the Director addressing the Director's intent to revoke the Mobile Food Vendor Permit and reasons, if any, that the Mobile Food Vendor Permit holder believes the revocation is not warranted.
- (E) The Director shall give written notice to the Mobile Food Vendor Permit holder of a decision regarding the revocation of the Mobile Food Vendor Permit or a revocation that becomes effective under Subsection (C).

§ 126.13 APPEAL.

An applicant or a Mobile Food Vendor Permit holder may appeal to the Board of Adjustment a Mobile Food Vendor Permit application denial, a Mobile Food Vendor Permit suspension, or a Mobile Food Vendor Permit revocation. Such appeal must be made within 10 days after the applicant/Mobile Food Vendor Permit holder receives written notice of the decision that it is appealing.

REGULATIONS FOR MOBILE FOOD VENDOR OPERATION

§ 126.14 DOCUMENT POSTING REQUIRED.

- (A) Each Mobile Food Vending Unit shall have displayed at all times in a conspicuous place where it can be read by the general public:
 - (1) City of Harker Heights Mobile Food Vendor Permit under this Chapter;

- (2) A health permit for the Mobile Food Vendor from Bell County; and
 - (3) A copy of a Texas sales tax and use certificate for the Mobile Food Vendor.
- (B) If applicable, each Mobile Food Vending Unit shall display at all times in a conspicuous place where it can be read by the general public, a Texas Alcoholic Beverage Commission (TABC) authorization.
- (C) A copy of required records for the Mobile Food Vendor or Mobile Food Vending Unit shall be immediately available for inspection by the City.

§ 126.15 REGULATIONS FOR ALL MOBILE FOOD VENDORS

(A) Food Preparation.

- (1) Any Mobile Food Vendors that prepare food outside of the Mobile Food Vending Unit must operate from an approved commissary in good standing as defined in and required by the Texas Food Establishment Rules. The commissary shall comply with all Food Establishment Rules and hold all current licenses and permits as required by the Rules. Mobile Food Vendors shall provide documentation of each visit to or service by the commissary and shall have that documentation immediately available for inspection by the City.
- (2) All employees of the Mobile Food Vendor Permit holder must have a valid food handler's certificate.
- (3) Except as shown on an approved lot diagram plan, 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, serving, storing, or displaying capacity of the Mobile Food Vending Unit.

(B) Model Code Requirements.

- (1) Mobile Food Vending Units must meet all applicable laws regarding Mobile Food Vendors as required by, but not limited to, the National Electric Code (NEC), International Building Code (IBC), International Fire Code (IFC), International Mechanical Code, International Plumbing Code, and International Fuel Gas Code as adopted and amended by the City or required by this Chapter.
- (2) Electricity shall be from a generator or permanent connection in a Mobile Food Court and the Mobile Food Vendor shall utilize electrical cords in conformance with the National Electrical Code and other Codes as adopted and amended by the City.
- (3) The Mobile Food Vending Unit must meet the following plumbing standards:

- (a) All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or through an authorized service provider. All used fats, oil, or grease shall be discharged to an approved grease interceptor at the commissary or through an authorized service provider. Used fats, oils or grease shall not be directly discharged to any unauthorized food establishment grease interceptor.
- (b) Liquid waste shall not be discharged from the retention tank when the Mobile Food Vending Unit is open to the public or in the process of preparing food.
- (c) The waste connection shall be located below the water connection to preclude contamination of the potable water system.
- (d) Connections to a water or sewage system on site is only allowed when the connections have been properly permitted and inspected by the Building Official or designee.

(C) Placement.

- (1) Mobile Food Vending Units shall not obstruct or set up in fire lanes, driveways, or parking spaces that are required for the use of an existing business.
- (2) Mobile Food Vending Units shall be separated from existing buildings and other mobile food vehicles by a minimum of ten (10) feet and separated from any building entrances or exits by twenty (20) feet.
- (3) A Mobile Food Vending Unit may not operate within one-hundred fifty (150) feet of any existing restaurant, when measured in a straight line, unless:
 - (a) The Mobile Food Vending Unit is owned by the restaurant; or
 - (b) The Mobile Food Vending Unit has acquired the written consent to operate by the owner or agent of the restaurant.

(D) Signage.

- (1) 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.
- (2) Each Mobile Food Vending Unit shall be permitted two (2) sandwich board signs not to exceed four (4) feet in height and eight (8) square feet or one feather flag not to exceed eight (8) feet in height for use on site only during business

operational hours. All other signage must be on the Mobile Food Vending Unit and mounted flush to the surface of the Mobile Food Vending Unit.

- (E) Drive-through service from Mobile Food Vending Units is prohibited.
- (F) Mobile Food Vending Units must be movable by motorized or non-motorized means.

§ 126.16 REGULATIONS FOR MOBILE FOOD VENDORS OPERATING ON PUBLIC STREETS AND RIGHTS OF WAY.

- (A) The Mobile Food Vendor and Mobile Food Vending Unit shall be in compliance with all provisions of this Chapter, including specifically the provisions of Section 126.14 and Section 126.15.
- (B) A Mobile Food Vendor may not operate on a public street or right of way unless:
 - (1) The Mobile Food Vending Unit is not obstructing pedestrian or vehicular traffic and is on site for **fifteen (15) minutes** or fewer; or
 - (2) The Mobile Food Vendor has obtained a Special Event Permit from the City Manager.

§ 126.17 REGULATIONS FOR MOBILE FOOD VENDORS OPERATING ON PUBLIC PROPERTY (OTHER THAN STREETS OR RIGHTS OF WAY).

- (A) The Mobile Food Vendor and Mobile Food Vending Unit shall be in compliance with all provisions of this Chapter, including specifically the provisions of Section 126.14 and Section 126.15.
- (B) A Mobile Food Vendor may not operate in a city park or on city property without a Special Event Permit or written permission from the City Manager or designee.
- (C) A Mobile Food Vendor may only operate within a city park or city property at locations approved by the City Manager or designee.

§ 126.18 REGULATIONS FOR MOBILE FOOD VENDORS OPERATING ON PRIVATE PROPERTY.

- (A) The Mobile Food Vendor and Mobile Food Vending Unit shall be in compliance with all provisions of this Chapter, including specifically the provisions of Section 126.14 and Section 126.15.
- (B) A Mobile Food Vendor may operate on private property in Commercial (B) or Industrial (M) zoning districts.
- (C) A Mobile Food Vendor may not operate in a residential (R) zoning district unless:

- (1) The Mobile Food Vending Unit remains on site for **fifteen (15) minutes or fewer**;
or
 - (2) The Mobile Food Vendor has obtained a Special Event Permit from the City Manager.
- (D) A Mobile Food Vending Unit must be located on an improved, all-weather surface.
- (E) No permanent seating areas shall be established. Temporary seating which is removed and stored daily within the Mobile Food Vending Unit or existing permanent structure may be allowed.
- (F) Any Mobile Food Vendor that will operate in one location for more than **four (4) hours** shall provide access to restroom facilities for employees and customers.
- (1) Written proof of a restroom facility agreement that provides the availability of a fixed establishment restroom located in a business establishment within **one-hundred fifty (150)** feet, along the path of travel, of each location where the Mobile Food Vending Unit will be in operation shall be required; and
 - (2) Such proof shall be provided to city employees when requested.
- (G) Mobile Food Vendors shall provide covered garbage and storage facilities for employee and customer use of sufficient size that refuse is fully contained in a manner that prevents litter and remains insect- and rodent-proof.
- (H) A Mobile Food Vending Unit may not remain at any location for more than **twenty-four (24)** consecutive hours at a time.

§ 126.19 REGULATIONS FOR MOBILE FOOD VENDOR COURTS.

- (A) A Mobile Food Vendor Food Court shall be located in a B-3 (Local Business District) zoning district or higher and requires a Conditional Use Permit (CUP) with an approved lot diagram plan.
- (B) The Mobile Food Vendor Court shall be considered a commercial business and shall meet all applicable state and local laws and regulations, including but not limited to the requirements of this Code and Chapter, or as governed by a Conditional Use Permit (CUP).
- (C) All Mobile Food Vendors and Mobile Food Vending Units operating in a Mobile Food Vendor Court shall be in compliance with all provisions of this Chapter, including specifically the provisions of Section 126.14 and Section 126.15.
- (D) Utility hookups for water, wastewater, and electric must be provided by the property owner for each Mobile Food Vending Unit.

- (E) The Mobile Food Vendor Food Court shall provide restroom facilities on site.
- (F) Any permanent structure will require a building permit and be subject to any applicable regulations.

ENFORCEMENT

§ 126.20 ENFORCEMENT

- (A) The City may inspect a Mobile Food Vending Unit during regular business hours and at other reasonable times to determine compliance with this ordinance.
 - (1) By accepting a Mobile Food Vendor Permit under this Chapter, the Mobile Food Vendor Permit holder consents that the **City Manager**, the **City Manager's** representative, law enforcement personnel, code enforcement personnel, and other on-duty governmental personnel may enter the Mobile Food Vending Unit during the hours of operation to conduct an investigation or inspect the Mobile Food Vending Unit to determine compliance with this Chapter.
 - (2) A Mobile Food Vendor Permit holder shall provide the **City Manager**, the **City Manager's** representative, law enforcement personnel, code enforcement personnel, and other on-duty governmental personnel with immediate access to all portions of the Mobile Food Vending Unit.
- (B) After conducting an inspection, the City shall inform the Mobile Food Vendor Permit holder of its findings in writing.
- (C) If a violation is found, the City is authorized to:
 - (1) Revoke the Mobile Food Vendor Permit; or
 - (2) Suspend the Mobile Food Vendor Permit until such time as the violation has been remedied. Re-inspections at prescribed time intervals will be conducted to determine whether required corrections have been made.

§ 126.99 PENALTY

Penalty, see § 10.99

- (A) The City Council has determined that this Chapter is necessary to protect health, life, and property and to preserve the good government, order, and security of the city and its inhabitants.

- (B) A person who continues to violate this Chapter after being notified of the offense in writing by an authorized city representative is subject to a civil penalty not to exceed \$2,000 for each day or part of a day the violation occurs.
- (C) The city may file suit to enforce this Chapter to collect a civil penalty.
- (D) The city may seek to enjoin violations of this Chapter.

Proposed Ordinance Structure

- **General Provisions**
 - **Definitions**
- **Permits**
 - **Application**
 - **Approval/Denial**
 - **Suspension/Revocation**
 - **Appeal**
- **Regulations for Mobile Food Vendor Operation**
 - **All Mobile Food Vendors**
 - **Operating on Public Streets**
 - **Operating on Public Property**
 - **Operating on Private Property**
 - **Mobile Food Vendor Courts**
- **Enforcement**



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General Provisions

- **Short Title and Purpose**
 - “...to protect the welfare of the citizens of the City of Harker Heights”
- **Definitions**
 - **Food Booth**
 - **Mobile:**
 - **Concession Trailer**
 - **Food Cart**
 - **Concession Cart**
 - **Food Truck**
 - **Vending Unit**
 - **Mobile Food Vendor Food Court**
- **Administrative Rules**
 - “The Director shall adopt administrative rules to implement, administer, and enforce this chapter.”



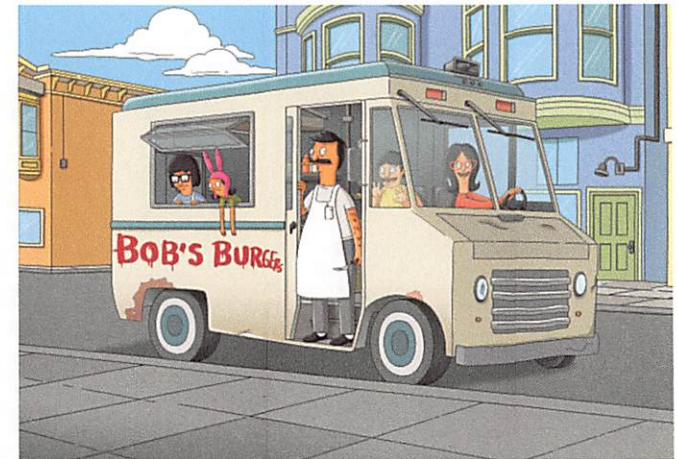
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Permits

- **Permit Required**
 - **Issued by Fire Department**
- **Permit Application**
 - **Inspection by Fire Marshal**
 - **Temporary, Non-Conforming Permit**
 - **Class K Fire Extinguishers Required**
 - **Limits fuel gas volume to 40 pounds**
 - **Valid for 24-Hours; Twice per Year**
 - **Fire Watch Required for 2 or more units**
- **Permit Approval/Denial**
 - **Denials Must Be in Writing**
- **Permit Valid for 1 year**
- **Permit Suspension/Revocation**
 - **Can Request Hearing Before the Planning Director**
- **Appeal**
 - **Can Appeal Permit Denial, Suspension, or Revocation to the ZBA**



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Regulations for Mobile Food Vendor Operation

All Mobile Food Vendors

- **Food Preparation**
 - **Outside Food Preparation Must Take Place in an Approved Commissary**
- **Model Code Requirements**
 - **Must Meet All Model Codes Such As National Electric Code, Building Code, Fire Code, Plumbing Code, Fuel Gas Code, Etc.**
- **Placement**
 - **May Not Obstruct Fire Lane, Driveways, Required Parking**
 - **Separation of 10 ft from Buildings and Other Units, and 20 ft from Entrances and Exits**
 - **May Not Operate Within 150 Feet of a Restaurant Unless:**
 - **The Unit is Owned by the Restaurant**
 - **The Unit has Acquired Written Consent by the Restaurant**



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Regulations for Mobile Food Vendor Operation

All Mobile Food Vendors (Cont.)

- **Signage**
 - **Unit Must Have Name or Distinctive Identifying Symbol**
 - **External Signage Limited to 2 Sandwich Board Signs OR 1 Feather Flag**
- **Drive-Through Service Prohibited**
- **Must be Moveable**



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Regulations for Mobile Food Vendor Operation

Mobile Food Vendors Operating on Public Streets

- Must be in Compliance with the Requirements for All Mobile Food Vendors
- May Not Operate on a Public Street Unless:
 - On site for 15 Minutes or Fewer
 - Obtained Special Event Permit



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Regulations for Mobile Food Vendor Operation

Mobile Food Vendors Operating on Public Property

- Must be in Compliance with the Requirements for All Mobile Food Vendors
- May Not Operate in City Park or Public Property Unless:
 - **Obtained Special Event Permit**
 - **Written Agreement with Parks Department**
- May Only Operate at Approved Locations Within City Park or Public Property



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Regulations for Mobile Food Vendor Operation

Mobile Food Vendors Operating on Private Property

- Must be in Compliance with the Requirements for All Mobile Food Vendors
- May Operate on Commercially-Zoned Properties
- May Not Operate in a Residential District Unless:
 - On site for 15 Minutes or Fewer
 - Obtained Special Event Permit



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Regulations for Mobile Food Vendor Operation

Mobile Food Vendors Operating on Private Property (Cont.)

- **Must Be Located on All-Weather Surface**
- **Only Temporary Seating Allowed**
- **If On Site for More Than 4 Hours, Must Provide Restroom Facilities Within 150 ft of Unit**
- **Must Provide Covered Garbage Cans**
- **May Not Remain at Any Location for More Than 24 Hours**



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Regulations for Mobile Food Vendor Operation

Mobile Food Vendor Courts

- **Must Be Located at B-3 or Higher Zoning District with a CUP**
- **Must Provide Utility Hookups for Each Unit**
- **Must Provide Adequate Restrooms**
- **Permanent Structures Require a Building Permit**
- **Must Meet All Other Applicable Codes and Regulations Unless Altered by CUP**



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Enforcement

- **Enforcement**
 - **Inspections to Determine Compliance**
 - **Violations Result in:**
 - **Closure of the Unit**
 - **Give Time for Corrections**
- **Penalty**
 - **Civil Penalty Not to Exceed \$2,000 per Day for Life/Safety Violations**



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