

CITY OF CREEDMOOR
ORDINANCE NO. 130718

AN ORDINANCE ESTABLISHING REQUIREMENTS AND REGULATIONS FOR LOCATION AND OPERATION OF MOBILE AND MODULAR FOOD ESTABLISHMENTS; ESTABLISHING PENALTY FOR VIOLATION OF THIS ORDINANCE; FINDING THAT THERE ARE EMERGENCY CIRCUMSTANCES WHICH REQUIRE THAT THIS ORDINANCE BE PASSED AS AN EMERGENCY MEASURE AND THEREBY WAIVING THE REQUIREMENT FOR MULTIPLE READINGS AND VOTES ON THIS ORDINANCE.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CREEDMOOR, TEXAS:

PART 1: DEFINITIONS:

A. MOBILE OR MODULAR FOOD ESTABLISHMENTS:

1. Mobile food establishments are either trailers or vehicles offering sale of food items that could be moved from location to location at the option of operators or owners;
2. Modular food establishments are structures which are not vehicular and which may or may not be permanently affixed to the location offering sale of food items. Modular establishments must have no more than 400 square feet of interior area and may not provide any service within the premises.
3. The term "City" shall mean the City of Creedmoor, Texas
4. The term "Board of Aldermen" shall mean the governing body of the City of Creedmoor, Texas.
5. The term "City Administrator" shall mean the City Administrator or City Clerk of the City of Creedmoor, Texas.

PART 2: PERMITS:

A. PERMIT APPLICATION:

1. Any person or entity desiring to operate a mobile or modular food establishment within the City must submit an application for a permit to operate from the City Administrator on a form provided by the City. Said Application for referenced permit shall be subject to approval by the City Administrator and additionally of the Board of Aldermen of the City if a special permit is required by this ordinance or upon appeal of a denial of the permit by the City Administrator. Permits shall be effective for two years and shall be renewed on or before the second anniversary of issuance of each permit or renewal permit.
2. The application for permit must include the following information:

- a. Name and contact address and telephone numbers for the applicant as well as a copy of the applicant's current and valid government issued identification document including a photograph of the applicant.
- b. description of type of vehicle or structure to be used for the proposed mobile or modular food establishment.
- c. Description of location for proposed food establishment including a drawing or site plan for the location in a form acceptable to City Administrator.
- d. Proof of sales tax and use permit.
- e. Proof of permit issued by State Department of Health and any other agency requiring permit for such use,
- f. Evidence of approval by owner of location that such use is permitted by the owner and under what conditions or restrictions.
- g. Any other information reasonably required by the City Administrator.
- h. Signature of each applicant affirming the accuracy of the information provided.

PART 3: ZONING REQUIREMENTS:

A. Proposed locations for mobile or modular food establishments must comply with the Zoning Ordinance of the City of Creedmoor, Texas.

B. If the proposed location is not in or on a tract being within a zoning district allowing for food service or restaurants then the food establishment operator or applicant must obtain a Special Permit pursuant to the said Zoning Ordinance for such use at any proposed location.

C. All mobile or modular food establishments must be located at least 35 feet from any right of way and no less than 50 feet from any residence. Drive up service is prohibited. No less than two marked off-street parking spaces shall be provided on an all-weather surface having sufficient space for adequate vehicular maneuvering. Establishments may have no more than three (3) outdoor tables designed to seat no more than four (4) patrons for the use of patrons.

PART 4: SANITARY REQUIREMENTS:

A. Proposed food establishments must comply with the following:

1. All regulations of any State or local agency regulating or licensing the establishment;
2. Have at least one portable toilet with a service agreement with the supplier to maintain the toilet or have a self contained wastewater holding tank that must be emptied by either transporting to an authorized dump station or by being pumped to an authorized hauling vehicle. A copy of all service agreements must be filed with the City and updated at least each year.
3. All heating or other pressurized devices must comply with fire and explosion safety regulations established by the state or city.
4. All liquid or solid waste must be held in a receptacle approved by the State Health Department and, if applicable, the City.
5. Only single service articles for use by the consumer may be used.
6. A person operating a mobile or modular food establishment may not sell any non-food

items unless specifically included in the permit from the City and if the permit specifies certain food items the operator may sell no other food items.

7. Each facility requiring a license shall obtain electricity from and be within 50 feet of an individual main-disconnect breaker mounted on a pedestal served by underground wiring.

8. Each facility shall obtain water from and within 50 feet of a hose bib connected directly to a central water supply serving other structures in the City. The hose shall be connected for direct pressure to the facility's plumbing without going through a holding tank.

9. Each facility shall have a dumpster or other trash disposal systems and a grease disposal container. All trash and grease disposal containers shall emptied on a regular basis and no less than every ten days.

10. Each facility must have hot and cold running water and sinks for employees to wash their hands.

PART 5: PENALTY: Violation of this ordinance shall cause the individual or entity in violation to be subject to a fine not to exceed \$1,000.00 per each day of violation.

PART 6: EMERGENCY: The Board of Aldermen of the CITY of CREEDMOOR, TEXAS do find that there is a serious threat to the CITY and it's citizens sufficient to require that for the health, safety and welfare of the CITY that this ordinance must be effective immediately and therefore that the requirement for the three readings of this ordinance is hereby waived because of said emergency and this ordinance is effective immediately.

THIS ORDINANCE WAS APPROVED BY A UNANIMOUS VOTE OF A QUORUM OF THE BOARD OF ALDERMEN OF THE CITY OF CREEDMOOR, TEXAS ON THE 18th DAY OF July, 2013.



ROBERT WILHITE,
MAYOR : CITY OF CREEDMOOR, TEXAS

ATTESTED:



RICHARD CRANDAL
CITY ADMINISTRATOR

APPROVED AS TO FORM ONLY



DONALD E. BIRD
CITY ATTORNEY

CITY OF CREEDMOOR
5008 HARTUNG LN
CREEDMOOR, TEXAS. 78610

MAYOR

Fran Klestinec

COUNCIL MEMBERS

Jesse Solis, Mayor Pro-Tem

Jeff Jakobeit

Richard Harrison

Sabrina Nelson

Leon Smith

Robert Wilhite, City Administrator

Tel:(512)243-6700

Fax:(512)243-6701

Date _____

NO# _____

MOBILE/MODULAR FOOD VENDOR PERMIT

Location _____

Owner _____

Address _____

Issued to _____

Address _____

Zoning District _____

Legal Description _____

Premises to be used for _____

This certifies that the Building Permit herein described, complies with the provisions of Zoning Ordinance No. 040916-A of the City of Creedmoor, Texas. Failure to comply with the use indicated, may nullify the said permit. Any change/ addition to the building/ structure, other than those described above, will require another permit. You have a Two Year Period in which to complete this Building Per.mit Project, starting from this date.

Filing Fee: per attached fee schedule. Fees assessed at the time this application is submitted. Please make check payable to City Of Creedmoor

Please make check payable to City Of Creedmoor

Mail or bring application (along with the filling fee) to the City of Creedmoor Office:

Mailing Address:
City of Creedmoor
5008 Hartung Ln
Creedmoor, Texas.78610

Physical Address:
12513 FM 1327
Creedmoor, Texas 78610