

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.

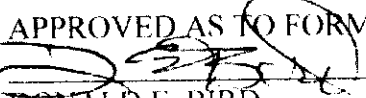
PART 5: PENALTY: Violation of this ordinance shall cause the individual or entity in violation to be subject to a fine not to exceed \$1,000.00 per each day of violation.

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 18<sup>th</sup> DAY OF July, 2013.

  
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ROBERT WILHITE,  
MAYOR : CITY OF CREEDMOOR, TEXAS

ATTESTED:  
  
\_\_\_\_\_  
RICHARD CRANDAL  
CITY ADMINISTRATOR

APPROVED AS TO FORM ONLY  
  
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DONALD E. BIRD  
CITY ATTORNEY

ORDINANCE NO. 020221-A

AN ORDINANCE DECLARING THAT THE VILLAGE OF CREEDMOOR, TEXAS, QUALIFIES AS AND IS HEREBY DECLARED TO BE A TYPE "A" GENERAL LAW MUNICIPALITY BEING THEREBY ENTITLED TO THE BENEFITS OF SAID CLASSIFICATION AND SUBJECT TO THE RESPONSIBILITIES OF TYPE "A" GENERAL LAW MUNICIPALITIES SET FORTH IN THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS.

BE IT HEREBY ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF CREEDMOOR, TEXAS :

ARTICLE I.

SECTION 1.01: DECLARATION:

By this ordinance the Board of Aldermen of the Village of Creedmoor, Texas do hereby declare and find that the Village of Creedmoor, Texas does contain within its corporate limits more than one manufacturing establishment and therefore does meet requirements set forth in the Local Government Code of the State of Texas to act henceforth in the capacity of a Type A General Law municipality and that hereafter the Village of Creedmoor, Texas is and shall be classified as a Type A General Law municipality and act as such for all purposes.

ARTICLE II

SECTION 2.01: Should any section or provision of this ordinance be declared by any Court to be unconstitutional or invalid such decision shall not effect the validity of any section or provision of this ordinance other than those determined to be invalid or unconstitutional.

SECTION 2.02: In order to protect the general welfare of the Village of Creedmoor, the Board of Aldermen have determined that an emergency exists that requires this ordinance to become effective on this date and therefore an emergency is declared in this matter and this ordinance shall be immediately effective.

THIS ORDINANCE HAS BEEN PASSED AND APPROVED BY UNANIMOUS VOTE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF CREEDMOOR, TEXAS ON THE DATE SET FORTH BELOW:

DATE PASSED AND EFFECTIVE: FEBRUARY 21, 2002

CONFIRMED BY:




ROBERT WILHITE, MAYOR

ATTESTED BY:

  
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RICHARD CRANDAL, VILLAGE ADMINISTRATOR

APPROVED AS TO FORM:

  
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DONALD E. BIRD, VILLAGE ATTORNEY