

ORDINANCE NO. 2024-098

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AMENDING THE GRAPEVINE CODE OF ORDINANCES CHAPTER 12, HEALTH AND SANITATION RELATIVE TO MOBILE FOOD UNITS (AM23-04); PROVIDING A PENALTY, NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH SEPARATE OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine is authorized to adopt ordinances to protect the health, safety, and welfare of its citizens; and

WHEREAS, mobile food units, including food trucks and trailers, have become a popular and growing industry in many cities, offering diverse and convenient food options for residents, workers, and visitors; and

WHEREAS, mobile food units contribute to the local economy by providing opportunities for small business owners and entrepreneurs, fostering economic development and job creation; and

WHEREAS, the City seeks to provide clear and consistent regulations for the operation of mobile food units to ensure the health, safety, and welfare of the public, while supporting local business innovation and flexibility; and

WHEREAS, it is necessary to establish specific standards and requirements to protect the public from potential health and safety risks associated with the operation of mobile food units, including proper food handling, sanitation, and fire safety measures; and

WHEREAS, the City of Grapevine has determined that it is a necessity to regulate the activities and entities as provided for herein to safeguard the public; and

WHEREAS, the City of Grapevine is authorized by law to adopt the provisions contained herein, and all constitutional and statutory prerequisites for the approval of this Ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council has determined than amendment to Chapter 12, Health and Sanitation, of the Code of Ordinances is in the best interest of the of the health, safety, and welfare of the City of Grapevine and the public.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That Chapter 12, Health and Sanitation, Article I. Food Establishments, Division 1. Generally, Section 12-3. Definitions. is hereby amended to include a new definition for *Food Supply Center* and to revise the existing definition for *Mobile Food Establishment*, to read as follows:

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*Food supply center:* A commercial food service operation where food, food containers, or food supplies are kept, handled, prepared, packaged, or stored. It cannot be a residential kitchen and is maintained in accordance with state regulations.

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*Mobile food establishment:* A self-contained food service operation that is mounted on a vehicle, either self-propelled or otherwise, and is designed to be mobile. It can be used to store, prepare, display, serve or sell food. It must be able to always move, does not include a stand or booth.

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Section 3. That Chapter 12, Health and Sanitation, Article I. Food Establishments, Division 2. Amendments/Administration, Section 12-6. Food handler card required., is hereby amended to read as follows:

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(a) Every fixed food service establishment employee shall within 30 days of the date of employment, be the holder of a current valid food handler card, issued by health services. All employees of a mobile food establishment who handle food must possess a valid food handler card before beginning work.

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Section 4. That Chapter 12, Health and Sanitation, Article I. Food Establishments, Division 2. Amendments/Administration, Section 12-8. Food establishment permits required., is hereby amended to read as follows:

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(f) Applications for permits for mobile food units or temporary event establishments which operate from a fixed food facility located outside of the city shall have correct truck registration, insurance, and valid/current driver's license information for each vehicle and each driver. *Refer to Sec. 12-21. Mobile Food Units for more requirements.*

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Section 5. That Chapter 12, Health and Sanitation, Article I. Food Establishments, Division 2. Amendments/Administration, Section 12-9. Classification of permits., Subsection (c)(2), Mobile Food Units., is hereby amended to read as follows:

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(2) *Mobile food units.*

- a. Retail food unit handling prepackaged food.
- b. Retail food unit (including trucks, trailers, mobile barbecues, snowcone units, etc.) handling, processing or selling open food. A separate permit is required for each different type of mobile unit owned or operated by an individual or company.
- c. Any person or firm who operates a mobile food unit or a mobile food establishment as defined in this article shall not operate such unit or establishment within the greater of one block and 300 feet of any block containing a public or private school
- d. Only food items previously approved by health services may be sold on a mobile food unit. Non-food items such as toys, fireworks, or any hazardous substances such as stink bombs are prohibited.

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Section 6. That Chapter 12, Health and Sanitation, Article I. Food Establishments, Division 2. Amendments/Administration, Section 12-14. Permits - Duration., is hereby amended to read as follows:

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- (a) Any food establishment permit or mobile food unit permit granted under the provision of section 12-8(a) shall remain in full force and effect 12 months from the date of issuance as long as the annual food establishment permit fee is paid and unless said permit is denied, suspended or revoked for cause. A food establishment permit that lapses for non-payment of the annual food establishment permit fee will be re-instated upon payment of a re-instatement fee, except that permits lapsed for more than three months may not be re-instated.

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Section 7. That Chapter 12, Health and Sanitation, Article I. Food Establishments, Division 2. Amendments/Administration., Section 12-21. Additional requirements for mobile ice cream vendors and other vehicles vending products to children., is hereby renamed to Section 12-21. Additional requirements for mobile food units., renumbered and amended to read as follows:

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**Sec. 12-21. Additional requirements for mobile food units.**

- A. Mobile food units are subject to the following regulations:

- a. All mobile food units operating in the City of Grapevine must first obtain certificates and permits from the City of Grapevine Planning Services Department, Fire Prevention Office and health services. The certificate to operate and permits must be kept in the unit and visually always displayed to the public.
  - b. All mobile food units operating within the City of Grapevine must have a State of Texas sales and use tax permit. Operators who sell taxable items are responsible for collecting and reporting state and local sales and use tax to the Texas Comptroller of Public Accounts. The report should be based on the location of the mobile food unit where taxable sales occurred. To ensure that the City of Grapevine receives its portion of the local sales and use tax generated from taxable sales made by the mobile food unit within the city, the mobile food unit owner/operator must use the jurisdiction's name and local code when reporting sales and use tax for taxable items sold in the city.
  - c. All mobile food units except for ice cream trucks, shall not operate within public rights-of-way.
  - d. The City of Grapevine reserves the right to deny a mobile food unit permit to any owner/operator or property for any reason.
- B. Mobile food unit certificate to operate required (Certificates are non-transferable):
- a. Written permission (letter or email) from the property owner(s) or their agent or designee, allowing the operation of a mobile food unit and their customers' access to a commercially plumbed public restroom on-site.
  - b. Current pictures of the mobile food unit from all four sides.
  - c. Information about the person responsible for the Mobile Food Unit, including their name, legal address, phone number, and email address, and including:
    - i. The address of the unit's food supply center;
    - ii. The address where the unit is stored overnight;
    - iii. The location where food, food containers, or food supplies are kept, handled, prepared, packaged, or stored;
    - iv. The legal address where the unit is maintained and cleaned; and
    - v. The legal address where waste, including wastewater and grease, is disposed of.
  - d. Detailed route and service locations (properties), including dates and time windows of service. This information includes the person responsible for each property, their name, legal address, phone number, and email address.
  - e. Detailed site layout depicting the location of the mobile food unit on the property(ies). Minimum information on the site layout must include:

- i. Indicate the location of the proposed mobile food unit and all existing structures on the lot;
  - ii. Property boundaries with lot dimensions;
  - iii. Street location name(s);
  - iv. North arrow;
  - v. Dimensions of Unit, length, width, and height of the food unit;
  - vi. Entry/Exit Points, locations of all customer and staff entry/exit points;
  - vii. Area for solid waste collection;
  - viii. Layout of tables and chairs for customer seating (if applicable);
  - ix. Location of nearby restrooms for staff and customers;
  - x. Traffic flow, pathways for customer foot traffic, including queue lines and service windows;
  - xi. Parking area; designated parking for the food unit (if needed); and
  - xii. Emergency exits, clear paths for emergency evacuation or response.
- f. Proof of current health permit and food handler cards from health services.
  - g. Valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance and a Texas Sales Tax Permit.
  - h. Hold harmless agreement if the unit is to be located on City of Grapevine property.
  - i. Notarized statement by owner that acknowledges and accepts a minimum amount of \$1,000,000 liability insurance, that covers the mobile food unit, must be maintained at all times and that proof of such insurance coverage can be demanded to be provided to the city upon three working days' notice to the owner.
  - j. Certificate and Inspection fees.
    - i. There are three types of certificates of operation for mobile food units consistent with Subsection 12-8(b) of the Code of Ordinances:
      - 1. Annual \$300.00 (this fee can be prorated if the certificate is sought after the first or the year);
      - 2. Temporary \$25.00; and
      - 3. Seasonal \$100.00.

C. Alcoholic beverage sales:

- a. Alcoholic beverages sales from mobile food units are prohibited.

D. Location, number and site design:

- a. All mobile food units must be located on private property being a platted lot, which is appropriately zoned for commercial development, including "LB", Limited Business, "CN", Neighborhood Commercial, "CC", Community Commercial District, "GV", Grapevine Vintage District, "HC", Highway Commercial District, "HCO", Hotel Corporate Office District, "RA", Recreation/Amusement District, "LI", Light Industrial District, and "GU", Governmental Use District.

- b. Units shall operate on an individually platted lot, where an existing permanent business actively operates in a building with a current valid certificate of occupancy.
- c. No more than three (3) mobile food units may be located on one (1) lot at any time or at the same location for consecutive weeks unless part of a city-sponsored festival or special event.
- d. Mobile food units shall be located within 250 feet of the entrance of a primary building that holds the certificate of occupancy.
- e. No mobile food unit shall be located on a vacant lot.
- f. No mobile food units, their merchandise, advertising or seating shall obscure traffic visibility.
- g. No mobile food units operating under this regulation shall be allowed to sell or service food on any public streets, sidewalk or other public right of way unless approved in writing by the City of Grapevine as part of a city sponsored festival or special event.
- h. Mobile food units and their associated equipment shall not operate in driveways, fire lanes, or required parking spaces for the buildings on the lot.
- i. Mobile food units, including associated seating, may operate in parking spaces on a commercially zoned, individually platted lot, if the required parking for the center remains in compliance with parking requirements as set forth in the City of Grapevine's ordinances.
  - i. No more than four (4) parking spaces shall be utilized for a mobile food unit or their associated vehicles or equipment.
- j. A single mobile food unit owned and operated by a brick-and-mortar restaurant, brewery, brewpub, distillery, winery, or golf course is allowed to be parked or stored on the same property and on an improved surface as indicated on the detailed site layout. It must be located outside of required parking spaces, fire lanes, and drive aisles. It must also be located a minimum of 100 linear feet from any residentially zoned property or residential use.
- k. A mobile food unit may utilize outside seating consisting of a portable table and a maximum seating capacity of eight (8), within no more than one (1) non-required parking space.
- l. All mobile food units shall be equipped with a self-closing lidded, trash receptacle. The trash receptacle must be placed outside next to the mobile food unit for use by the patrons of the unit. The area around the mobile food unit shall be kept clean and free of litter, garbage, and debris within a designated space.
- m. Mobile food units shall be removed from the lot on a daily basis and may only operate during the business hours of the primary business and may not be parked for longer than 12 hours. They may operate no earlier than

7:00 a.m. and no later than 10:00 p.m. Mobile food units can be located on one site for no more than four (4) events per year and no more than two (2) days per event per calendar year.

- n. Mobile food units must be removed from their location each night, and the surrounding area must be left clean and tidy with no residual trash, liquids, or residue. All trash, tables, chairs, and any other equipment must be removed to ensure the space is restored to its original condition. The location must appear as if the mobile food unit had not been there.
- o. All mobile food units must be maintained in good working order, kept clean, and present a well-maintained appearance. The exterior of the unit shall be free from patently offensive language, images, or materials that can be deemed inappropriate for public display.

E. Utilities:

- a. Water shall be from an internal tank, and electricity shall be from a generator, unless approved for permanent placement via a conditional use permit approval.
- b. Generators must be placed at least 300 feet from a residential use or district.

F. Inspections:

- a. The city shall have the right to inspect the mobile food unit and the lot it is located on at any time to ensure compliance.
- b. The mobile food unit owner/operator shall submit proof of a current approved mobile food unit inspection and food handler cards from the health authority with each new permit and permit renewal.

G. Prohibitions:

- a. A drive-through is not permitted in conjunction with the mobile food unit and shall not provide a drive-through service of any kind.
- b. Temporary connections to potable water, sanitary sewer and electricity are prohibited.
- c. No outdoor speakers of any type are permitted to emanate from a mobile food unit or associated seating and table areas.
- d. No mobile food unit(s) shall be stored or kept in city rights-of-way, on residential properties, in residential zoning districts, on vacant properties, or within 100 feet of residential/zoned property within the city limits. Violation of this prohibition will result in fines and the removal of the mobile food unit.
- e. Mobile food units shall not stop, park, store, or operate on South Main Street properties or within the rights-of-way between the intersections of South Main Street/Northwest Highway and South Main Street/Dallas Road, or on any adjacent street within 250 feet of South Main Street.

#### H. Exceptions:

- a. Mobile food units participating in a city-approved festival or special event are exempt from the prohibition on operating on properties along South Main Street or an adjacent street (from Northwest Highway to Dallas Road, provided they meet the following requirements:
  - i. Mobile food units must obtain the necessary Temporary Health Permit from health services and Fire Prevention Permit from the City's Fire Prevention office prior to participating in any festival or special event.
  - ii. The event must be pre-approved by the City as an official festival or special event. The exception applies only to the dates and locations specified for the event.
  - iii. All mobile food units must comply with health and safety regulations as outlined in their temporary permits during the event.
  - iv. The exception is valid only for the duration of the festival or special event, after which the prohibition will apply.
- b. Private events in a residential district or property, which are not advertised to the public (such as a birthday or graduation party), are permitted to have one mobile food unit operating during the event's hours on one day only, and not on a series of days. This is limited to a maximum of two events per calendar year. The placement of the unit should not obstruct traffic or visibility, and it must be outside of the public rights-of-way. They may operate no earlier than 7:00 a.m. and no later than 10:00 p.m. Additionally, it must adhere to all required sanitation, health permits, and noise requirements for residential districts and properties.
- c. Public and private schools may host a mobile food unit on-site, subject to the approval of a temporary use permit consistent with Subsection 42.A, Temporary Use Permits of the Zoning Ordinance and its limitations.

#### I. *Additional requirements for mobile ice cream vendors, issuance of permit.*

- (1) All drivers of ice cream trucks and other vehicles vending products to children shall submit a copy of their driver's license to the city and obtain the permit described in this article before operating such vehicle.
- (2) All permit applicants shall provide proof of automobile insurance according to state law along with the application.
- (3) All applicants shall be subject to a criminal history background check, and shall consent to such check as a condition of application. A conviction for any offense involving actual or attempted homicide, kidnapping, assault or assaultive offenses, unlawful sexual conduct or assault, theft (including robbery or burglary), prostitution or obscenity shall be grounds for disqualification of an applicant.

J. *Safety equipment for ice cream trucks.*

- (1) Signs stating "WATCH FOR CHILDREN" must be provided on the front, back, and both sides of the vehicle in at least four inch letters of contrasting colors.
- (2) The company name, address, and phone number must be on both sides of the vehicle in at least three-inch letters of contrasting colors.
- (3) A serving window, capable of being closed when not in use, must be provided and must be located on the curbside only.
- (4) Left and right outside rear view mirrors as well as two additional outside wide-angle mirrors on the front and back of the vehicle must be provided to enable the driver to see around the entire vehicle.
- (5) Operable yellow or amber flashing hazard lights that are clearly visible not less than 100 yards from the mobile unit under average daylight conditions shall be provided. Lights must be mounted no more than 12 inches below the mobile unit's roof and must be operational when the truck is in motion. No fewer than two lights shall be visible from each approach.
- (6) A rear bumper cover shall be installed to prevent children from standing or jumping on the rear of the vehicle.

K. *Vending requirements for mobile ice cream vendors.*

- (1) *Location.*
  - a. Mobile ice cream trucks are permitted to vend in an area for no more than 15 minutes, then they must move to another location.
  - b. Mobile ice cream vending is prohibited within City of Grapevine parks except when the owner/operator has entered into a concessionaire agreement with the Parks and Recreation Department.
  - c. Mobile ice cream trucks shall not vend within one block of any block containing an elementary or junior high school during school hours or within one hour before or after school hours on a day that school is scheduled to be in session.
  - d. Mobile ice cream trucks shall not vend within 100 feet from an intersection.
- (2) *Hours of operation.* Mobile ice cream vending may only occur from 10:00 a.m. to one-half hour before sunset.
- (3) *Use of sound equipment.*
  - a. Use of sound equipment shall be limited to music or human speech.
  - b. Sound shall not be audible more than 100 yards from the truck. Sound shall be produced at no more than 80 dBA.
  - c. Sound equipment may only be used from 10:00 a.m. until one-half hour before sunset.

- d. Sound shall not be broadcast within 100 yards of schools during school hours while school is in session, or within 100 yards of hospitals, churches, courthouses, funeral homes, or cemeteries.
- e. Sound shall be turned off while the vehicle is stopped for vending.

(4) *Safety precautions.*

- a. Drivers shall check around the vehicle before leaving the area to ensure that children are not remaining. When handing the purchased product to the children, drivers shall make certain traffic is clear, in case a child leaves the truck immediately and fails to observe the hazard of oncoming traffic.
- b. Child customers shall not be allowed inside the vehicle. This provision shall not apply to children related to the driver within the third degree of consanguinity or affinity, while riding with the driver along the sales route.

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Section 8. That Chapter 12, Health and Sanitation, Article I. Food Establishments, Division 3. Enforcement., Section 12-22. Enforcement options., is hereby amended to read as follows:

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**Sec. 12-22. Enforcement options.**

When the building official or his designee has determined that a violation of this article has occurred or is occurring, the following remedies are available to health services. The remedies provided for in this section or elsewhere in this article are not exclusive. Health services may take any, all, or any combination of these actions against a violator, consecutively or concurrently:

- (1) Issuance of a written warning notice;
- (2) Issuance of one or more citations;
  - a. After two (2) citations are issued to a mobile food unit owner/operator due to noncompliance within a six (6) month period, the mobile food unit permit shall be suspended.

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Section 9. That Chapter 12, Health and Sanitation, Article I. Food Establishments, Division 3. Enforcement., Section 12-24. Revocation proceedings., is hereby amended to read as follows:

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**Sec. 12-24. Revocation proceedings.**

- (a) *Notification of right to hearing.* When a notice of suspension is given the holder of the permit or certificate or the person in charge (should said person not agree with the findings of the inspection report); then said person must submit an appeal to the City Manager's Office in writing requesting a hearing. If no written request for hearing is filed within ten days of receipt of the notice of suspension, the permit or

certificate will be suspended. Health services may end the suspension at any time if reasons for suspension no longer exist.

1. If a mobile food unit owner/operator fails to submit a written appeal requesting a hearing, the permit shall remain suspended until all noncompliance issues have been completely resolved.
- (b) The appeal shall indicate the provisions of the action objected to, and the reasons for the objection(s), any facts that are contested, the evidence that supports the appellee's view of the facts, and whether the appellee's requests a hearing on its appeal.
- (c) *Hearings.* The hearings provided for in this chapter shall be conducted by the city manager or his designee who will designate the time and place for the hearing. Based upon the recorded evidence of such hearings: the city manager or his designee shall make a finding and shall sustain, modify or rescind any notice or order considered in the hearing.
- (d) This hearing shall be deemed to exhaust the administrative remedies of the person aggrieved.

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Section 10. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed each day during or on which an offense occurs or continues.

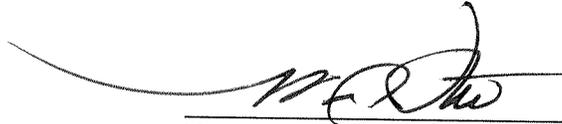
Section 11. All ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 12. If any section, subsection, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 13. The fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates undesirable conditions for the preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE,  
TEXAS on this the 19th day of November, 2024.

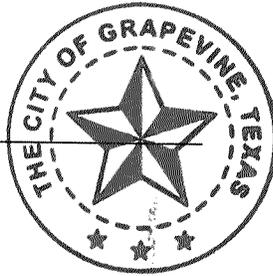
APPROVED:



William D. Tate  
Mayor

ATTEST:

  
Tara Brooks  
City Secretary



APPROVED AS TO FORM:

  
Matthew C.G. Boyle  
City Attorney