

ORDINANCE NO. 1142

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CITY OF KEMAH CODE OF ORDINANCES, AND REPLACING ORDINANCE NO. 1093 REGULATING MOBILE FOOD VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF KEMAH, TEXAS.

Sec. 50-61. - Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Mobile food vehicle means a food service establishment that operates as a restaurant (or food vendor) from a vehicle of any kind (motorized or non-motorized including but not limited to a catering vehicle or a vehicle with attached trailer) that is readily mobile at all times. This type of establishment primarily prepares and/or sells food, drinks, snow cones and public concession type food for patrons.

Substantial construction site means a site or location under construction in a project of ten or more single-family residential homes or a commercial or multi-family project.

Sec. 50-62. - Mobile food vehicle regulations.

Intent: To provide a means of permitting mobile food vehicles while protecting the public interest and health of the patrons and residents of the City of Kemah.

(a) *Location restrictions:*

- (1) Mobile food vehicles may not locate for the purpose of on site sales at a particular fixed location (for a day or more) within 50 feet of a property used for single-family residential purposes, townhomes, or multifamily purposes. However, temporary pauses (to complete a sale and then depart) by a vendor who does not utilize a fixed location, like an ice cream vehicle or bicycle making mobile neighborhood sales, are excluded from this prohibition, but must hold a valid permit issued by the City of Kemah. Private residences may allow mobile food vehicles on premises for up to a 24 hour period, but no longer than a 24 hour consecutive period.

Exceptions:

- a. Mobile food vehicles may be operated or located on a substantial construction site.
- b. Mobile food vehicles may be operated or located within 50 feet of a property used for single-family, townhome, or multifamily purposes if a commercial use is already located within 200 feet of the location of the subject mobile food vehicle. For the purposes of this ordinance, food trucks themselves do not constitute a commercial use that can be calculated as a part of this 200 foot distance.
- c. Mobile food vehicles may locate within 50 feet of a property used for single-family residential purposes provided that signed correspondence from the abutting residential property owners agree to the associated mobile food vehicle use.

(b) *Health requirements:*

- (1) All mobile food vehicles shall satisfy all health and safety requirements as do all other restaurants within the City of Kemah.
- (2) During business hours permitted herein, adequate trash receptacles shall be provided and emptied by the permit holder on a regular basis so that the premises are clear of litter and food waste.

(c) *Submittal requirements for permits:*

- (1) *Mobile food vehicle application and required fees.* The one-time fee for the permit or license shall be \$75.00 for any part of a year. The permit expires on December 31 of each year. No

person, firm or corporation shall operate such a mobile food vehicle without a current and valid city license, in plain sight and subject to the requirement that it be produced on demand to any city officer seeking such identification for the operator.

(2) *Required submittals for mobile food vehicle permit.*

- a. Plumbing, electrical and gas (if applicable) schematics shall be required to be approved and on file with the City of Kemah. All mobile food vehicles shall comply with all applicable City-adopted building, plumbing, mechanical and electrical codes.
- b. A list of locations where the mobile food vehicle will operate (updated as locations change).
- c. Written consent from the property owner or legal representative allowing the mobile food vehicle, if to be at a location for an hour or more.
- d. Written consent from a manager or business owner of a host site allowing patrons to use the restroom, if to be at a location for an hour or more, if food sold is to be consumed on site and seating arrangements are provided on site by the applicant.
- e. Copy of sales tax permit indicating that Kemah, Texas, shall be reported as the point of sale for all sales by applicant in Kemah, Texas. This is to be furnished as soon as possible after the issuance of the permit.


Duly Passed and Approved on First Reading this the 3rd day of May, 2017

Duly Passed and Approved on Second and Final Reading this the 17th day of May, 2017



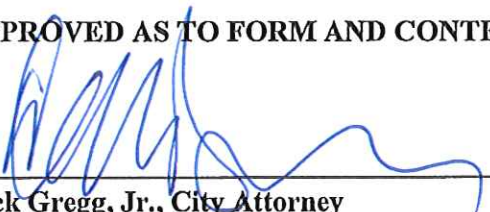
Carl A. Joiner, Mayor
City of Kemah, Texas

ATTEST:



Melissa Chilcote, City Secretary

APPROVED AS TO FORM AND CONTENT:



Dick Gregg, Jr., City Attorney
City of Kemah, Texas