



ORDINANCE 2024-2

BUSINESS REGULATIONS

ARTICLE 1: MOBILE FOOD UNITS

1.001 DEFINITIONS.

MOBILE FOOD UNIT PARK. Vehicles that are designed to be readily movable from which food is sold or served. The term includes, but is not limited to, a commercially manufactured vehicle that was originally manufactured for use as a food preparation vehicle.

MOBILE FOOD UNIT PARK. Locations designated for the operation of two or more mobile food units.

RETAIL FOOD UNIT HANDLING PREPACKAGED FOOD.

- (1) Retail food unit (including trailers, mobile barbeques, snow cone 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;
- (2) Mobile produce unit;
- (3) Mobile units delivering or selling meat, poultry, fish, sea foods or shellfish (except retail grocery delivery trucks and units that are otherwise prohibited by this article). Except for wholesale fish trucker, any person who operates, sells, or engages in the distribution of any meat, poultry, fish, sea foods or shellfish in the city shall operate from a fixed and permitted place of businesses. Roadside vending of meat, poultry, fish, seafood or shellfish shall not be permitted in the city.
- (4) Pushcarts; and
- (5) Catering units.

1.002 REQUIREMENTS.

(a) Permit fee and sticker. The mobile food unit permit sticker for a mobile food unit shall be displayed on the upper left rear area of the vehicle in a conspicuous location. If such location is not practicable, the permit shall be located in a location approved by the city administrator or designee. The city council approves a fee per day or per year as set forth in the fee schedule for operation of mobile food units within the city limits.

(b) Mobile barbecue trailers. Mobile barbecue trailer cooking surfaces shall be tightly enclosed and constructed in such a way as to protect all food contact surfaces from possible contamination both in transit and during use. Mobile barbecue trailers shall be used in conjunction with an approved and permitted commissary and mobile food unit.

(c) Commissary.

(1) All mobile food units(except catering units) and pushcarts handling open potentially hazardous foods shall operate from a commissary or other fixed food service establishments that are regularly inspected by a regulatory health agency. All mobile food units handling potentially hazardous food shall report at least once a day to their commissary to clean and service the mobile unit.

(2) The following are exempt from these requirements:

- (A) Catering operations with their own commissary;
- (B) Snow cone trailers;
- (C) Corn roasters; and
- (D) Pre-packaged ice cream units.

(d) Commercially manufactured vehicle. All mobile food units handling open potentially hazardous foods shall be commercially manufactured. This requirement shall not apply to snow cone vendors, pre-packaged ice cream, corn roasters or other foods as determined by the city administrator or designee.

(e) Mobile unit log. Each mobile unit operator must maintain a log that contains the day of serving and the signature of the commissary operator. This log will be made available to the city administrator or designee upon request.

(f) Commissary: log. Each approved commissary must maintain a log that contains the date of servicing for each mobile food operator and the signature of the mobile food unit operator after each servicing. This log will be made available to the city administrator or designee upon request.

(g) Servicing area. All mobile food units and pushcarts handling open foods shall have a servicing area which shall have overhead protection, a location(s) for draining and flushing liquid wastes, and a location(s) for the loading and unloading of food and related supplies.

(h) Servicing area operation.

(1) All liquid waste containers shall be thoroughly flushed and drained daily during serving operations.

(2) Flushing and draining activities shall be conducted in the servicing area. No flushing or draining of liquid waste shall be permitted on public streets or in any area other than the servicing area.

(i) Waste retention.

(1) All liquid waste shall be stored in a retention tank that shall have a minimum capacity of seven and one-half gallons or that is at least 15% larger in capacity than the freshwater supply tank, whichever is greater.

(J) Water system. All mobile food units handling open potentially hazardous foods shall provide not less than 15 gallons of hot/cold potable water under pressure at all times for use in utensil cleaning, sanitizing and handwashing. A single water inlet shall be located so as not to be contaminated by waste discharge. Such inlet shall be capped at all times except when being filled and shall contain only potable water. Connection or direct hook-up to water sources other than those on the mobile unit is prohibited unless approved by the city administrator or designee.

(k) Temporary events. Mobile food units and caterers may operate at temporary events by possessing a valid mobile food unit permit or by obtaining a temporary food establishment permit and meeting the requirements of a temporary food service establishment as described in this article.

(l) Seasonally or annually permitted mobile units. All seasonally or annually permitted mobile units that operate at the same location throughout the day shall either:

(1) Provide a sanitary restroom facility built in the mobile unit;

(2) Have access to the primary business owner's commercially plumbed restroom that is accessible during all hours of food preparation and vending, provides hot and cold running water through a mixing valve or combination faucet and within 300 feet of the unit; or

(3) Have access to portable restrooms and portable handwashing stations within 100 feet.

(m) Operating location.

(1) All mobile units that will operate at the same location throughout operating hours will provide the city administrator or designee with the address of the operating location. If the operating location changes during the period of the permit, the operator will provide the city administrator or designee with the new operating address seven days prior to moving to the new location. A notarized letter from the primary business granting bathroom access must also be provided to the city administrator or designee.

(2) Mobile food units are allowed to operate within the city limits after the issuance of a truck permit by the city.

1.003 VIOLATION.

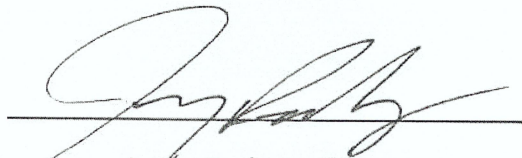
The owner or operator of a mobile food unit commits an offense if the mobile food unit is operated in violation of any provision of this article.

1.004 OFFENSE.

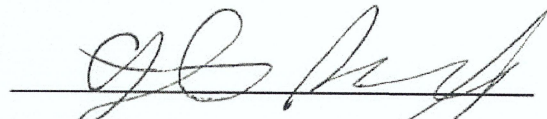
The owner or operator of the primary business, as defined by the city administrator or designee, on which the unit is located, commits an offense if the mobile food unit is operated during preparation and vending without access to the restroom as require by this article.

PASSED AND APPROVED by the City Council, City of Como, Texas, on this the

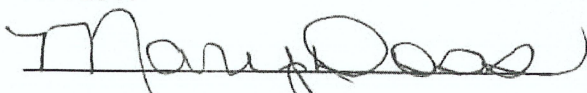
14th of MAY 2024.


Jerry Radney, Mayor


David Fordinal, City Councilman


Austin Baxley, City Councilman

ATTEST:


City Secretary / Notary

