



MOBILE FOOD VENDOR UNIT PACKET CHECK LIST
(OFFICE USE ONLY)

- ☐ MOBILE FOOD VENDOR APPLICATION
- ☐ COMMISSARY APPLICATION
- ☐ MOBILE FOOD VENDOR CHECK LIST
- ☐ MOBILE FOOD VENDOR DEPARTMENT CHECK LIST
- ☐ MOBILE FOOD VENDOR SITE REGULATIONS
- ☐ MOBILE FOOD VENDOR GUIDELINES
- ☐ MOBILE FOOD VENDOR ORDINANCE NO. 2013-3668

HEALTH DEPARTMENT

DATE



415 West University Dr. • P.O. Box 1079 • Edinburg, Texas 78540
Phone: (956)388-8203 • Fax: (956)292-2080
10/1/2013





Mobile Food Vendor Permit Application

Application is hereby made for a permit to operate a Mobile Food Vendor / Eating and Drinking Establishment in the City of Edinburg.

PLEASE PRINT NEATLY OR TYPE, INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Today's Date _____
New _____ Renewal _____

Name of Business: _____ Phone: _____

Address of Commissary: _____

****Vehicles must return to the commissary daily for service and cleaning. Commissary form must accompany application. ****

Vehicle License Plate Number: _____ Vehicle Vin: _____

Vehicle Make/Model: _____

****Please submit a current copy of insurance for the vehicle with application****

Owner's Name or Corporation: _____

Owners or Corporation Address: _____

E-mail Address: _____ Phone: _____

Normal Working Hours and Days Open for Business: _____

Signature of Owner: _____

Print Name of Above Signature: _____

OFFICE USE ONLY

Receipt Number: _____ Date Issued: _____

Amount Paid: _____ Expiration Date: _____

Cash or Check #: _____ Permit Number: _____

****IMPORTANT NOTICE:** A COMPLETE AND CURRENT VENDING ITINERARY **MUST** BE SUBMITTED AT THE TIME OF APPLICATION. NO PERMIT WILL BE ISSUED WITH OUT THIS INFORMATION.
PLEASE PROVIDE A LIST OF ALL EDINBURG VENDING LOCATIONS.



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9/30/2013





COMMISSARY APPLICATION

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NAME OF COMMISSARY _____ PHONE _____

IS THE FACILITY PERMITTED AND INSPECTED BY A REGULATORY AGENCY? YES NO

NAME OF HEALTH AUTHORITY _____

THE MOBILE VEHICLE(S) LISTED BELOW HAS PERMISSION TO USE MY FACILITIES:

NAME OF COMPANY	VEHICLE LICENSE #	NAME OF OWNER
_____	_____	_____
_____	_____	_____

THE FOLLOWING SERVICES MAY BE PERFORMED AT MY COMMISSARY BY THE ABOVE UNITS:

☐ USE OF THE FACILITY AT ALL TIMES

☐ HAVE LIMITED ACCESS TO FACILITY ON (DAYS OF THE WEEK-PLEASE CIRCLE WHICH ONES)

MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY SUNDAY

☐ HAVE LIMITED ACCESS TO FACILITY FROM THE HOURS OF _____ TO _____

☐ USE OF PREPARATION AREA OF THE FACILITY

☐ USE OF UTENSIL WASHING AREA OF THE FACILITY

☐ USE OF FOOD STORAGE AREAS OF THE FACILITY

☐ SELL FOOD PRODUCTS TO VENDOR WHEN NEEDED

☐ WASH OUT TRUCKS

☐ DISPOSE OF WASTE WATER

☐ FILL POTABLE WATER TANKS

☐ STORE MOBILE UNIT

THE MOBILE VEHICLE (S) LISTED ABOVE HAS PERMISSION TO PARK AT MY FACILITY LOCATED AT:

(STREET) (CITY) (STATE) (ZIP)

(COMMISSARY OWNER'S NAME)

(COMMISSARY OWNER'S SIGNATURE) (DATE)



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10/1/2013





MOBILE FOOD VENDOR CHECK LIST

PLEASE PRINT NEATLY OR TYPE, INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

- ☐ SALES TAX NUMBER WITH A COPY OF SALES TAX PERMIT. _____
- ☐ SIGNED PERMISSION FORM OR PROVIDE NOTARIZED AFFIDAVIT FROM THE PRIVATE PROPERTY OWNER GRANTING PERMISSION FOR UNIT PLACEMENT. _____
- ☐ NAME, PHONE NUMBER AND VALID DRIVER'S LICENSE NUMBER OF BUSINESS OWNER AND ALL EMPLOYEES OPERATING WITHIN THE MOBILE FOOD VENDOR UNIT. _____
- ☐ PROPOSED ITINERARY WITH ROUTE, VENDING LOCATIONS AND TIMES. _____
- ☐ CONTACT NAME AND PHONE NUMBER FOR MOBILE FOOD VENDING UNIT WHILE IN ROUTE. _____
- ☐ DESCRIPTION OF PRODUCT BEING SOLD. _____
- ☐ SITE PLAN WHERE THE MOBILE FOOD VENDING UNIT WILL BE LOCATED ON THE PROPERTY. _____
- ☐ SIGNED AFFIDAVIT WITH PHOTO IDENTIFICATION THAT EACH INDIVIDUAL APPLICANT: _____
 - HAS NO UNPAID CIVIL JUDGMENTS AGAINST HIM OR HER IN ANY STATE OF U.S. POSSESSION WHICH ARISE FROM A BUSINESS ACTIVITY WHICH WOULD HAVE BEEN COVERED BY THIS SECTION IF IN EFFECT AT THE TIME IN THE JURISDICTION WHERE SUCH JUDGMENTS ARE OF RECORD.
 - A STATEMENT OF ALL CONVICTIONS IN ANY STATE, THE UNITED STATES, OR U.S. POSSESSION WITHIN THE LAST TEN YEARS.

SIGNATURE

DATE

COMPLETE INCOMPLETE

DATE

COMPLETE INCOMPLETE

DATE

COMPLETE INCOMPLETE

DATE



Mobile Food Establishment **Checklist by Department**

City Health Department Requirements

- ☐ Liquid Waste Retention Tank – is provided and capacity is at least 15% larger than the potable water storage tank*
- ☐ Potable water – from an approved source*
- ☐ Hot and Cold Running Water under pressure - is provided to sinks*
- ☐ Handwash sink- is provided, and is conveniently located and accessible*
- ☐ Soap, paper towels, detergent and sanitizing chemicals are provided*
- ☐ Three-compartment sink is provided*
- ☐ Equipment for hot and cold holding, adequate to maintain potentially hazardous food at required temperatures*
- ☐ Food products are obtained from approved sources*
- ☐ A servicing area shall be provided for cleaning, supplying, loading of water and discharge of sewage*
- ☐ A Certified Food Manager shall be employed if potentially hazardous food will be prepared*
- ☐ A menu of the food served must be submitted to the City of Edinburg for review. *
- ☐ Single service articles are provided and used.
- ☐ A central preparation facility must be licensed and be operated according to the requirements of TFER (Texas Food Establishment Rules)

- ❑ Potable water inlet is equipped with a hose connection of a size or type that prevents its use for any other purpose.
- ❑ Potable water distribution pipes or tubing are constructed and installed in accordance with public health and plumbing standards
- ❑ Liquid waste servicing connection is of a different size than the water connection
- ❑ Effective control measures are used for insects, rodents, and environmental contaminants. Installed screening is at least 16 mesh to the inch.
- ❑ Mobile food establishment is constructed of corrosion-resistant, durable materials
- ❑ Counters and tables are designed for durability and are easily cleanable
- ❑ Equipment is installed so that it is easily cleanable and is in clean, sound condition
- ❑ Facilities are provided for solid waste storage that are easily cleanable and covered

City Building and Permitting Department Requirements

- ❑ A grease interceptor is required. The size of the interceptor must be determined by city inspectors.
- ❑ An inspection and health permit will be required before opening of the establishment.*
- ❑ Each employee handling food for the establishment will be required to attend a City of Edinburg Food Handlers class and have Food Handlers License*
- ❑ An oil receptor may be required for the establishment the City Health inspectors will evaluate the size of oil receptor needed.

Fire Department Requirements

- ❑ A safety inspection is required by the Fire Marshall's office and approval must be given by the Fire Marshall or designee before operations of the establishment.*
- ❑ An Approved Fire Suppression System must be installed before operation of the food establishment. i.e. Ansul, Kidde, Amerex, etc.*
- ❑ An Approved Fire Extinguisher will be required for the mobile food unit.*
- ❑ All Gas Lines will need to be inspected and pressure tested. Use of Propane tanks must meet State and City requirements according to the Texas Railroad Commission.

- All exhaust systems and the hood system will require an inspection and test before operation.

Solid Waste Department Requirement

- An establishment is required to have solid waste service unless it can make an arrangement in writing with an owner of a business where they are located to dump trash in its receptacle. This agreement will need to be submitted to the Solid Waste Department for approval.*

Planning and Zoning Requirements

- The establishment will need to identify and provide the necessary parking required as per the Unified Development Code based on the square footage of the mobile food truck.* (a shared parking agreement in writing with the owner of neighboring businesses where the mobile food establishment is located may be used to satisfy this requirement)
- The establishment will need to have an agreement in writing with a neighboring business for the use of restroom facilities.*
- A site plan and application will need to be reviewed and approved before the business is allowed to operate. All applicable fees i.e. permit fees, application fees, and review fees will need to be paid to the City of Edinburg prior to opening.*

Engineering and Utilities Department Requirements

- The establishment may not discharge any wastewater into the City of Edinburg's storm water and drainage system.*
- The establishment/mobile food truck is not allowed to park or be stationed on Public Right-of-Way.*

In addition to checklist above, establishments in the City of Edinburg will need to meet all Texas Food Establishment Guidelines for Mobile Food Establishments Section §229.169. If you have any questions regarding these rule and regulations please contact Mr. Pablo Cerda, Building Official, or Mr. Ramon Vela, Health Inspector.

MOBILE FOOD VENDOR SITE REGULATIONS

A

40' FROM ANOTHER
MOBILE FOOD VENDOR

B

100' FROM ENTRANCE
OF RESTAURANT

C

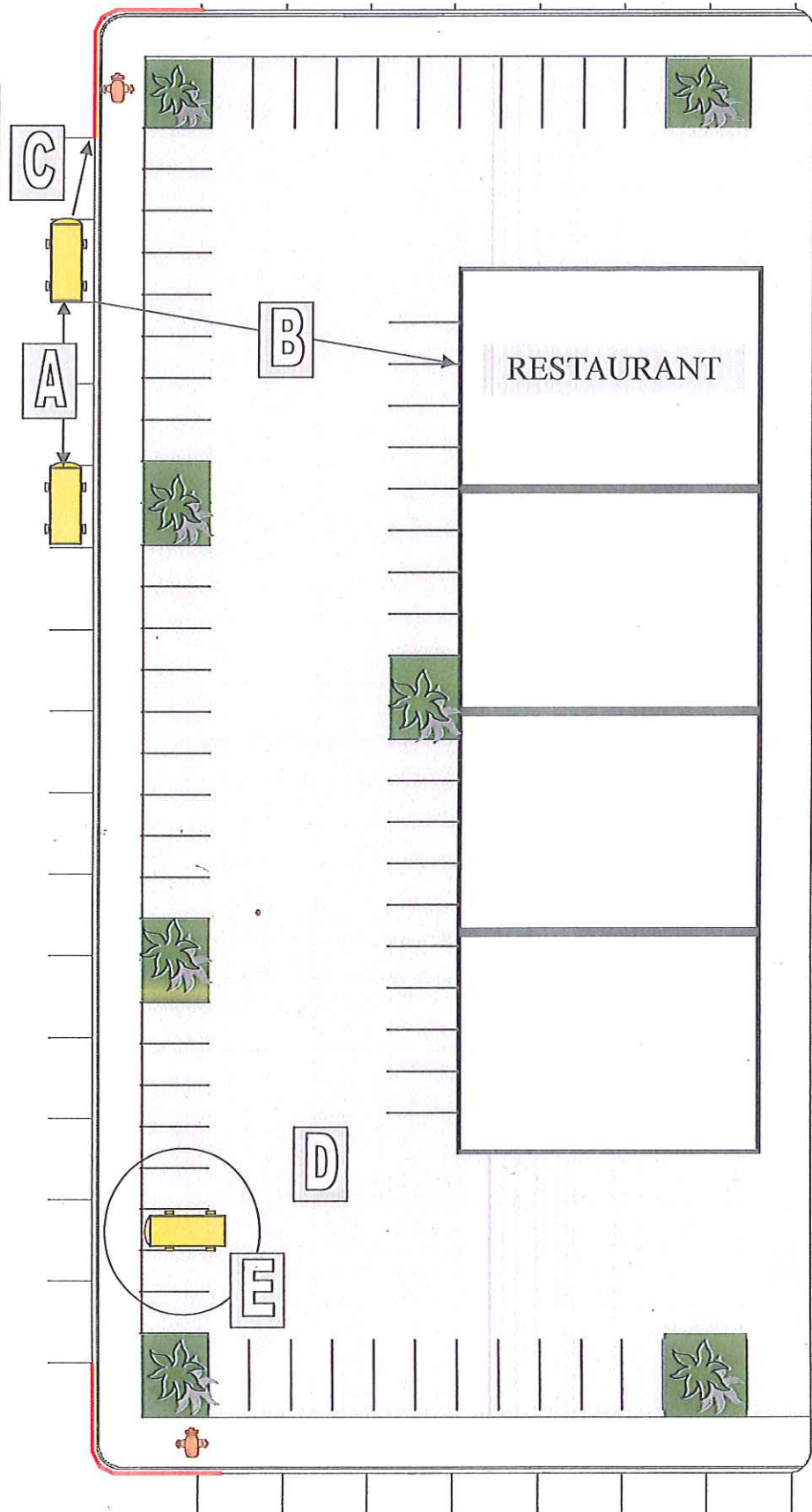
MUST NOT OBSTRUCT
FIRE LANE

D

WRITTEN PERMISSION
FROM PROPERTY OWNER

E

MUST KEEP CLEAN 20'
AROUND SITE



Mobile Food Vendor Guidelines

A Health Permit is required for any mobile food service in the City of Edinburg.

Applications for Mobile Food Vendor permits are available at the Edinburg City Hall, 415 W. University Dr., or on the internet at www.cityofedinburg.com.

There are two types of permits:

- a) Cold/Catering trucks, which carry prepackaged foods only, including ice cream vendors
- b) Hot Trucks where food is prepared on the vehicle.

An appointment will be necessary for the inspection of the vehicle.

The following is intended to answer frequently asked questions about mobile food vending in the City of Edinburg and are basic guidelines. The City of Edinburg has adopted the Texas Food Establishment Rules. Additional information about food safety and food service is available in the Texas Food Establishment Rules (www.dshs.state.tx.us) or by contacting the Health Department. 956-388-1839.

GUIDELINES FOR ALL MOBILE FOOD VENDORS.

- 1) Commissary required: A signed commissary agreement is required at time of inspection. Commissaries are required to have a valid Health permit. A copy of the current permit and latest inspection report is required if the facility is outside the McAllen area. All food storage, vehicle cleaning, and waste water disposal is to be done at the commissary.
2. An Itinerary: listing vending times and locations are required at permitting. You are required to notify the Health Department if your itinerary changes. No vending is allowed in the city parks without the consent of the Parks Department Director and the Health Department. Mobile food vendors are subject to in-field inspections.
3. All food products must be from an approved source. Home preparation or storage of food is not allowed.
4. Foods may be prepared and wrapped at the commissary before being placed on the truck for sale. Packaged foods are to be properly labeled with the manufacturer name and address, net weight or count, and list of ingredients.
5. All potentially hazardous foods (such as meat, poultry, fish, or dairy products) must be maintained at the proper temperature (41 degrees F. or below, or 140 degrees F. or above). Mechanical hot holding and refrigeration equipment is required. A probe type food thermometer is to be used to monitor food temperatures.
6. Mobile food units shall provide only single service articles (paper plates, plastic forks/spoons, paper napkins, etc.) for use by the consumer.
7. All self-service condiments, including relish, mustard, ketchup, onions, etc., must be in single service packets or dispensers.
8. Ice for human consumption must be stored separately from ice used to chill beverage containers. Ice storage units must drain to a retention tank to prevent drink cartons, bottles or cans from being submerged in melted ice water.

9. The mobile unit is a commercial operation. The unit, equipment and utensils are to be designed and constructed for durability and ease of cleaning. Equipment that meets or exceeds standards of the NSF (National Standards Foundation) is approved for use in the City of Edinburg.

10. A covered trash container is required.

All mobile units must return to the commissary daily for cleaning.

Additional requirements for Hot Trucks

1. All food handlers must wash hands as frequently as necessary to keep them clean. Hand sinks are required to have a supply of hot and cold water, hand soap and paper towels. Disposable gloves are required if bare hands are used to handle ready to eat foods unless an alcohol hand sanitizer is used after hand washing. Utensils such as spoons, scoops, or tongs are to be used where possible.

2. Food handlers are required to attend a Food Handler Training and present a copy of certificate of attendance to the Health Department, to obtain the Food Handler's Card. Call the Health Department at 388-1839 for a list of Training dates.

3. Adequate supplies of potable water must be provided for hand washing, utensil washing, rinsing and sanitizing, and food preparation.

4. Adequate hair restraints are required in the food prep area.

5. Eating, drinking, chewing gum or the use of any tobacco product is prohibited in the food preparation/service area.

6. Foods, food containers, and single service items are to be covered and store in a way to prevent contamination.

7. Open, unprotected displays of foods are not allowed.

8. Utensil washing sinks are required for the convenient wash, rinse and sanitizing of food utensils, equipment, and food contact surfaces. Sinks are required to have hot and cold water, dish soap and sanitizer. Test strips are required to monitor the concentration of the sanitizer.

9. All cleaners/chemicals must be labeled and used in accordance with the label instructions. Chemicals are to be stored to prevent contamination of food, single service items or utensils.

10. Vent hoods with removable filters are required over cooking equipment.

11. All waste water from sinks, steam tables, etc. must drain into a retention tank for disposal at the commissary.

ORDINANCE NO. 2013-3668

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EDINBURG, TITLE XI: BUSINESS REGULATIONS, CHAPTER 112 FOOD ESTABLISHMENTS IS HEREBY AMENDED BY THE ADDING OF SECTION 112.18 PROVIDING FOR MOBILE FOOD VENDOR REGULATIONS; CONTAINING A REPEALER CLAUSE; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2000.00 PER VIOLATION IN ACCORDANCE WITH SECTION 10.99 OF THE CODE OF ORDINANCES; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THIRD READING; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, in recent years, the number of restaurants and retail store and other establishments which provide food for human consumption in the City of Edinburg has increased dramatically and continues to increase; and

WHEREAS, the City has seen an interest from mobile food vendors desiring to offer edible food products to local citizens and visitors to the City of Edinburg; and

WHEREAS, the City Council desires to allow mobile food vendors to operate in the City of Edinburg with special emphasis in the City's Downtown District; and

WHEREAS, in order to protect the health, safety and welfare of its citizens, the Edinburg City Council deems it appropriate to provide for regulation of mobile food vendors to be located in the City of Edinburg.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, AS FOLLOWS:

SECTION I. CHAPTER TITLE XI: BUSINESS REGULATIONS, CHAPTER 112 FOOD ESTABLISHMENTS, is hereby amended by adding, **§112. 18 MOBILE FOOD VENDORS** and shall read in their entirety as follows:

§112. 18 MOBILE FOOD VENDORS

(A) DEFINITIONS

Edible goods may include, but are not limited to:

1. Prepackaged food including, but not limited to candy, beverages, chips, popsicles and ice cream.
2. Prepared food including, but not limited to hot dogs, desserts, sandwiches and pizza.
3. On-site prepared food including, but not limited to shaved ice, sandwiches and tacos.

Mobile food vendors shall mean any business which sells edible goods from a non-stationary location within the city. The terms shall include, but not be limited to:

1. Mobile food trucks: a self-contained motorized unit selling items defined as edible goods.
2. Concession trailers: a vending unit which is pulled by a motorized unit and has no power to move on its own.

Non-refrigerated shall mean edible goods that are not required to be kept at a temperature below 41 degrees Fahrenheit according to the Federal Food and Drug Administration and the Texas Food Establishment Rules.

(B) PERMIT AND APPLICATION

1. *Permit.* Every mobile food vendor shall have a permit issued by the city to conduct business in the city.
2. *Application.* Every mobile food vendor shall apply for a permit on a form promulgated by the city. Each vending unit requires a separate permit. Applications for permits meeting the requirements for mobile vendors shall be processed within ten (10) business days.
3. *Permit form.* A complete application shall require the following information from the applicant to be considered:
 - a. Name of applicant.
 - b. Legal name of business or entity.
 - c. State of incorporation or filing of a partnership or articles of association.
 - d. If applicable, copy of charter or articles of incorporation and current listing of the directors, partners, or principles.
 - e. Sales tax number with a copy of sales tax permit.
 - f. Signed permission form or provide notarized affidavit from the private property owner granting permission for unit placement.
 - g. Name, phone number and driver's license number of business owner and all employees operating within the mobile food vendor unit.
 - h. Proposed itinerary with route, vending locations and times.
 - i. Contact name and phone number for mobile food vending unit while in route.
 - j. Description of product being sold.
 - k. Site plan where the Mobile food vending unit will be located on the property.

- l. Vehicle identification number and description of mobile food vending unit.
- m. Signed affidavit with photo identification that each individual applicant:
 - a. Has no unpaid civil judgments against him or her in any state of U.S. possession which arise from a business activity which would have been covered by this section if in effect at the time in the jurisdiction where such judgments are of record.
 - b. A statement of all convictions in any state, the United States, or U.S. possession within the last ten years.

(C) PERMIT FEE

1. The application fee for a mobile food vendor permit shall be \$200.00. Each mobile food vendor unit shall be permitted separately.
2. Mobile food vendor permits shall be valid for one year from the date of permit issuance.
3. Upon renewal the applicant shall pay the renewal \$150.00 fee, and update any changes in the permitting documentation upon permit renewal. The applicant must submit the application and the renewal fee within 30 days before expiration of the permit or must reapply as a new applicant.

(D) PERMIT DENIAL

A permit may be denied where:

1. An applicant is found to have an unpaid civil judgment(s) against him which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments; or
2. An applicant has been convicted of a crime which directly relates to the duties and responsibilities of the licensed occupation which shall be determined by the

nature and seriousness of the crime, the relationship of the crime to the purpose of the permit and the extent that the permit would allow someone to engage in further criminal activity; or

3. The required information is incomplete or incorrect or shows that a person is not otherwise entitled to conduct business as a mobile food vendor.
4. The opportunity to issue a permit has been denied due to previous violations as described in this section.

Display of Permit. Every permit, including those from the city, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor's truck or concession trailer.

(E) PERMIT REVOCATION OR SUSPENSION

1. A permit may be revoked upon conviction of any offense committed by an individual operating as a mobile food vendor in the city while engaged in the permitted business, or if a final conviction occurs or is found to have existed at the time of application, or if civil judgments, as set forth above, are placed or found of record against an applicant. A permit may be suspended in the event of pending charges of a crime, as set forth above, upon a magistrate's determination of probable cause in connection with such charges.
2. A permit may be revoked for non-conformity to the application location specifications or requirements as well as to non-conformity to an approved location plan or diagram
3. Any employee working for an applicant permitted as an employer under this section above may be denied the right to solicit under such permit, or such rights may be suspended or terminated, under the same circumstances and procedures which apply to the holder of the permit. Revocation or suspension of an employer's permit terminates all employee permits.
4. A permit may be suspended or revoked for not complying with the requirements of this section, or any other ordinances, or laws.
5. Failure to pay outstanding parking meter fees and fines.

(F) APPEAL OF PERMIT REVOCATION, SUSPENSION, OR DENIAL

1. The notice of revocation, suspension, or denial of a permit shall include the procedure for appealing the suspension, revocation, or denial.
2. If a city official revokes, suspends, or denies a mobile food vendor permit, the holder or applicant of the permit which has been revoked, suspended, or denied, shall have the right of appeal to the city manager, or designee by submitting an appeal in writing to the city manager within ten business days of the revocation, suspension, or denial.
3. Pending action on the appeal, a permit which has been revoked or suspended shall be considered revoked or suspended.
4. If a written appeal is not submitted within the ten business days of revocation, suspension, or denial, or if the appeal is denied, the permit shall hence be considered revoked, suspended or denied.

(G) REAPPLICATION AFTER REVOCATION, SUSPENSION, OR DENIAL OF PERMIT

1. If a mobile food vendor or applicant is not in compliance with this section or any other ordinance, law or the approved vendor application, the following action will be taken:
 - a. *1st violation.* A warning may be issued, or the permit may be revoked or suspended and the vendor may become ineligible for a new or reissued permit for 90 consecutive days.
 - b. *2nd violation.* Permit will be revoked and the vendor may become ineligible for a new or reissued permit for 90 consecutive days.
 - c. *3rd violation.* Permit will be revoked and the vendor will become ineligible for new or reissued permit for one year.
 - d. If an applicant's permit has been denied and the appeal is denied the applicant may not reapply for 90 consecutive days.

(H) ZONING AND LOCATION RESTRICTIONS

1. Distance regulations.

- a. No mobile food vendor shall conduct business within any single-family residential or agricultural zoning district unless otherwise approved in writing by the planning and zoning director.
 - b. A mobile food vendor may not be located within 100 feet of the primary entrance of an open and operating fixed-location food service or eating establishment except during city sponsored or other community events.
 - c. A mobile food vendor shall not be located within 40 feet from another mobile food vendor except during city sponsored or other community events.
2. A mobile food vendor shall not conduct sales at a stationary location:
- a. For a duration exceeding eight hours per location on private property and four (4) hours on public property per day. Allowances may be granted for additional time depending on type of activity or event.
 - b. For a duration exceeding sixty (60) minutes on any public street or public streets adjacent to public parks and recreational facilities, next to fire lanes and no-parking designated areas. Mobile food vendors parking on parking metered spaces in the Downtown District will be required to deposit coins for payment of parking meter. Mobile vendors parking on public streets may not move to a new location with prior approval from the City.
 - c. On any public street designated on the city's [thoroughfare] plan as a collector or greater.
 - d. In congested areas where the operation impedes vehicular or pedestrian traffic.
 - e. Between the hours of 3:00 a.m. and 6:00 a.m.
3. Location regulations.
- a. No mobile food vendor shall be located on any private property without written permission to do so and must comply if asked to leave by the property owner or city official. A copy of the written permission to operate in a specific location signed by the private property owner, shall be kept within the mobile vending unit at all times.

- b. No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill.
- c. No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill upon any premises if requested by the property owner or city not to do so, or if there is placed near or at the entrance thereof a sign bearing the words "no advertisement".
- d. No person shall sell or offer for sale any item upon any premises if requested by the property owner or city official not to do so, or if there is placed at or near the entrance thereof a sign bearing the words "no peddlers or vendors," "no trespassing," or "no solicitors."

(I) MOBILE FOOD VENDOR REQUIREMENTS.

The following regulations shall apply to mobile food vendors within any zoning district:

- 1. Mobile food establishments shall operate from a central preparation facility or other permitted fixed food establishment and shall report to such location for supplies and for cleaning and servicing operations.
- 2. Each unit shall be equipped with a portable trash receptacle, and shall be responsible for proper disposal of solid waste and waste water in the sanitation facility legally accessed by the food service establishment. All disturbed areas must be cleaned following each stop to a minimum 20 feet of the sales location.
- 3. Mobile food vendor may not have a drive through.
- 4. Mobile food vendor may be allowed to have multiple locations within a day but not exceeding eight hours of operations per location. A list of the locations must be submitted to and approved by the Health Authority.
- 5. Continuous music or repetitive sounds shall not project from the mobile unit.
- 6. A five-foot clear space can be maintained around the mobile food vending unit.
- 7. The mobile unit will be subject to inspection upon permit application through the code enforcement, health department and the fire marshal, and may be subject to random inspection and upon reissuance of the permit.

8. No sales are allowed within public park facilities while park concession units are operating. Mobile units operating in public parks and on streets adjacent to public parks or recreational facilities requires approval by the Director of Community Services.
9. A "No Smoking" sign must be posted next to the order window or area.
10. An approved portable type ABC fire extinguisher tagged by a licensed company shall be kept accessible as directed by the city fire marshal or designee. A portable type K fire extinguisher is also required in the kitchen for cooking operations
11. A kitchen fire suppression system and kitchen ventilation systems is required to be NFPA 17A and NFPA 96 compliant and shall be required when the cooking process produces grease laden particles within the mobile unit. Said systems shall require testing in the presence of a city fire marshal or designee.
12. All cooking appliances shall be UL approved appliances.
13. If cooking and using propane, a gas pressure test must be performed by a licensed plumber.

(J) Offenses and regulations.

1. It shall be unlawful for any individual as the agent or employee of another regulated under this section to sell edible goods in the city unless its principal or employer has received a permit under this section.
2. A permit issued under this section is not transferable.
3. It shall be unlawful for an individual to sell edible goods while displaying a valid permit issued by the city in the name of another individual, organization, or entity.
4. It shall be unlawful for any individual directly or through an agent or employee to sell goods within the corporate limits of the city after the expiration of the permit issued by the city under this section.
5. It shall be unlawful for an individual directly or through an agent or employee to misrepresent on the permit affidavit any acts that are regulated under this section.

6. It shall be unlawful for any individual directly or through his agents or employees to represent that the issuance of a permit by the city constitutes the city's endorsement or approval of the product for sale.
7. It shall be unlawful to operate a mobile food vendor operation that is not in compliance with the Texas Food Establishment Rules as amended from time to time.

SECTION II. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION III. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PENALTY CLAUSE: Each violation of any of the provisions of this Ordinance shall constitute a separate offense and shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000 in accordance with section 10.99 of the Code of Ordinances of the City of Edinburg.

SECTION V. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION VI. CODIFICATION: The provisions of Section I of this Ordinance shall be published in the appropriate sections of Chapter 112. Food Establishments of the Code of Ordinances of the City of Edinburg, Texas, as soon as practicable.

SECTION VII. WAIVER CLAUSE: The requirement of the third reading of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING OF THE ORDINANCE at a regular meeting of the City Council of the City of Edinburg, Texas, at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 16th day of July, 2013.

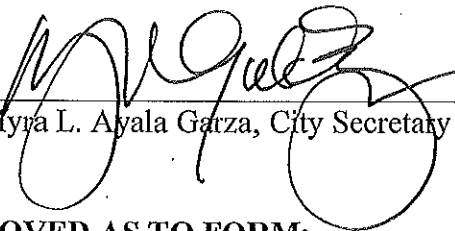
READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING OF THE ORDINANCE at a regular meeting of the City Council of the City of Edinburg, Texas, at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 17th day of September, 2013.

CITY OF EDINBURG

By: _____

Richard H. Garcia, Mayor


ATTEST:

By: 
Myra L. Ayala Garza, City Secretary



APPROVED AS TO FORM:

PALACIOS & ASSOCIATES, P.C.

By: 
City Attorney