

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 22-48 and 22-48 APPENDIX “B” TO THE DEER PARK CODE OF ORDINANCES REGULATING MOBILE FOOD SERVICE UNITS WITHIN THE CITY OF DEER PARK, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:

1. That Section 22-48 of the Deer Park Code of Ordinances be amended to regulate Mobile Food Service Units as follows:

2. Section 22-48 (a)

Definition of Mobile Food Service Unit “self-propelled vehicle or licensed trailer designed for food preparation and/or distribution.”

3. Section 22-48(b)

Requirements of Mobile Food Service Units to operate in Deer Park, Texas.

a) Must obtain a ninety (90) day permit from the City of Deer Park City Secretary’s office.

Requirements for City Permit:

1) proof of valid liability insurance policy

2) valid vehicle registration sticker

3) copy of sales tax permit and requirement that City of Deer Park shall be reported for all sales within Deer Park

4) application must be completed at least ten (10) days before start of operation in City

b) Must have a one-year or temporary health permit from the Harris County Public Health Department for food establishment.

c) Must have written permission of property owner to locate on private property (City Parks or City Property require written permission from the City of Deer Park).

d) Must have access to flushable toilet within a facility with an occupancy permit on the same property as where the Mobile food service unit is located at all times the Mobile food service unit is operating.

e) Must be parked on a paved surface designated for vehicle parking with adequate parking for patrons.

- f) Cannot serve products from the roads, streets or right of ways.
- g) Cannot operate for more than twelve (12) consecutive hours.
- h) Cannot operate within the City at the same location more than six (6) days per 90 day permit period. (location is defined as same property owner).
- i) Cannot operate in a residential zoned area unless in a public park with the City of Deer Park's written permission.
- j) Cannot dispose of grease or grey-water on site.
- k) Shall not provide a drive through service of any kind.
- l) Must always have approved fire extinguisher and first aid kit in Mobile Food Service Unit.
- m) Must have an inspection by the Deer Park Fire Marshal or designee before any food is served. Fire Marshall inspection shall be good for one year.
- n) That there be a \$25.00 fee paid to the City Secretary's office for the Mobile Food Service Unit permit per under Appendix B section. 22-48.
- o) Any violation of the provisions in this ordinance shall be a Class C Misdemeanor punishable by a fine of up to \$500.00. Each day the violation continues shall constitute a separate offence.

6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clause, phrases and words of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

7. Government Code. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the ____ day of _____, 2020 **by a vote of** _____ **“Ayes” and** _____ **“Noes”**.

MAYOR, City of Deer Park, Texas

ATTEST:

City Secretary

APPROVED:

City Attorney