
Sec. 22-48. Mobile food service units.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Mobile food service unit means a self-enclosed food service establishment—including a self-propelled vehicle, licensed trailer, catering truck, roadside vendor, or pushcart—that is designed to be readily movable and used for food preparation, storage, display, service, and/or distribution. The term does not include a stand or a booth, and is synonymous with a “food vending vehicle” as that term is defined under Texas Health and Safety Code chapter 437B and 25 Texas Administrative Code chapter 226.

Mobile food vendor means any person or entity that dispenses food or beverages from a mobile food service unit for immediate service or consumption, consistent with the definition of that term under state law.

- (b) *Vendor types.* Pursuant to Texas Health and Safety Code chapter 437B and 25 Texas Administrative Code chapter 226, as established by House Bill 2844 (89th Texas Legislature, Regular Session, 2025), the Texas Department of State Health Services (DSHS) classifies mobile food vendors into the following license types based on their food preparation activities. An applicant must identify its DSHS license type on the city permit application required under subsection (c) and provide proof of the corresponding valid DSHS mobile food vendor (MFV) license.

- (1) Type I. Mobile food vendors who do not sell any time- and temperature-control-for-safety (TCS) foods, or who are otherwise deemed a low risk of harm to the public. Examples include prepackaged ice cream vendors and prepackaged non-TCS snack vendors.
- (2) Type II. Mobile food vendors who sell prepackaged TCS food that requires limited handling and preparation, or who sell TCS food prepared to order and served for immediate consumption, including vendors whose processes include preparing, cold holding, thawing, and/or reheating commercially processed or packaged products. Examples include coffee trucks, snow cone vendors, and hot dog vendors.
- (3) Type III. Mobile food vendors who prepare, cook, hold, and serve food from a mobile food service unit, including processes involving hot holding, cold holding, thawing, cooking, cooling, or reheating. Examples include burger trucks, BBQ trucks, and taco trucks.

- (c) *Requirements of mobile food service units to operate in the city.*

- (1) Must obtain a 90-day permit from the city secretary's office. Requirements for city permit:
 - a. Proof of valid liability insurance policy.
 - b. Valid vehicle registration sticker.
 - c. Copy of sales tax permit and requirement that the city shall be reported for all sales within the city.
 - d. Copy of a current, valid Mobile Food Vendor (MFV) license issued by the Texas Department of State Health Services (DSHS) under Texas Health and Safety Code chapter 437B, showing the applicable license type (Type I, II, or III) identified in subsection (b).
 - e. Application must be completed at least ten days before start of operation in city.
- (2) Must maintain the DSHS mobile food vendor (MFV) license required under subsection (c)(1)d. for the entire period the permit issued under this section is in effect.
- (3) Must have written permission of property owner to locate on private property (city parks or city property require written permission from the city).

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- (4) 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.
 - (5) Must be parked on a paved surface designated for vehicle parking with adequate parking for patrons.
 - (6) Cannot serve products from the roads, streets or rights-of-way.
 - (7) Cannot operate for more than 12 consecutive hours.
 - a. Longer than 12 consecutive hours timeframe can be extended with the city manager's authorization for city sponsored/approved events.
 - b. Time period to operate is between 6:30 a.m. and not later than 12:00 midnight unless the location has different posted hours.
 - (8) That there be a \$25.00 fee paid to the city secretary's office for the mobile food service unit permit, as listed under appendix B to this Code, section 22-48, with the exception that the fee only is waived if vendor is operating at a city sponsored event with confirmation from the associated city department. The vendor is still required to complete a permit application for the event.
 - (9) Cannot operate in a residential zoned area unless:
 - a. the mobile food service unit is providing food service exclusively for a private party or private event on residential property, with the written permission of the property owner, and the event is not open to walk-up sales from the general public; or
 - b. operating in a public park with the city's written permission.
 - (10) Cannot dispose of grease or grey water on site.
 - (11) Shall not provide a drive through service of any kind.
 - (12) Must always have approved fire extinguisher and first aid kit in mobile food service unit.
 - (13) Must have an inspection by the city fire marshal or designee before any food is served. Fire marshal inspection shall be good for one year.
 - (14) 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 to this Code, section 22-48.
 - (15) Any violation of the provisions in this article 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.
 - (16) Cannot operate within the City at the same location more than six (6) days per 90-day permit period, regardless of vendor type. (Location is defined as same property address.)
- (d) *Preemption; continued local authority.* As of July 1, 2026, House Bill 2844 (89th Texas Legislature, Regular Session, 2025) grants DSHS exclusive statewide authority to license and inspect mobile food vendors for food-safety purposes, and local and county public health departments may no longer issue local food-safety permits, conduct food-safety inspections, or charge food-safety-related fees for mobile food vendors, unless operating under a collaborative agreement with DSHS. This section does not regulate food safety and does not duplicate the state's food-safety licensing or inspection program. The permit required under subsection (c) is a local operating permit that governs only the time, place, and manner of mobile food service unit operations within the city—including location, zoning, hours of operation, and fire safety—authority the city retains under state law, and the city may continue to issue this permit and charge the associated fee under subsection (c)(8).
- (e) *Additional standards for Type I mobile food vendors.* Type I mobile food vendors, as classified under subsection (b)(1), are permitted to operate within the city subject to the general requirements of subsection (c) and the following additional standards:

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- (1) Residential roaming permitted. Notwithstanding subsection (c)(9), a Type I mobile food vendor operating as a roaming vendor — that is, moving continuously along a public street and stopping only briefly to serve waiting customers — may operate on local residential streets without the private-party or public-park limitation in subsection (c)(9), provided the vendor complies with this subsection.
 - (2) Dwell time limit. A Type I mobile food vendor operating on a residential street may not remain stationary at any single location for longer than ten (10) consecutive minutes. A vendor wishing to operate from a fixed location for longer than ten minutes must do so only in a zoning district and location where stationary mobile food service units are otherwise permitted under this section.
 - (3) Street classification. A Type I mobile food vendor may operate only on local and residential collector streets with a posted speed limit of 30 miles per hour or less. Operation on arterial streets, state highways, or roads without a shoulder or safe pull-off area is prohibited.
 - (4) School proximity. A Type I mobile food vendor may not operate within 1,000 feet of a public or private school during the thirty (30) minutes before and after the school's posted arrival and dismissal times, unless the vendor has been specifically invited by the school for an on-campus or school-sponsored event.
 - (5) Hours of operation. A Type I mobile food vendor operating in a residential area may not operate before 10:00 a.m. or after 8:00 p.m., notwithstanding the general hours permitted under subsection (c)(7)b.
 - (6) Sound devices. Music, chimes, or other audible signaling devices used to announce the vendor's presence are permitted only between 10:00 a.m. and 8:00 p.m. and must comply with the city's noise ordinance in chapter [__].
 - (7) Stationary/commercial operation. A Type I mobile food vendor operating from a fixed, stationary location in a commercial or mixed-use zoning district, public park, or private property with written consent — rather than as a residential roaming vendor — is subject to the same requirements as any other mobile food service unit under subsection (c), including but not limited to paved-surface parking and location approval.

(Code 2014, § 22-48; Ord. No. 4070, §§ 1—3, 4-16-2019; Ord. No. 4136, §§ 2, 3, 1-21-2020; Ord. No. 4500, § 2, 3-5-2024; Ord. No. ____, § __, __-__-2027)