

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10-3 OF THE CITY CODE RELATING TO MOBILE FOOD ESTABLISHMENT SOLID WASTE, RECYCLING, AND COMPOSTING CONTAINERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 10-3-93 (*Sanitary Requirements*) is amended to read as follows:

§ 10-3-93 SANITARY REQUIREMENTS.

- (A) If a person who operates a mobile food establishment maintains food at a hot holding temperature by mechanical means, that person shall comply with fire and explosion safety standards established by the fire marshal.
- (B) If a person uses a pressurized fuel system or container in conjunction with the mobile food establishment, that person shall comply with fire and explosion safety standards established by the fire marshal.
- (C) A person operating a mobile food establishment shall equip the interior of the mobile food establishment ~~[be equipped]~~ with an attached trash receptacle approved by the health authority for the use of persons working in the mobile food establishment. The operator must hold, store, and dispose of solid and liquid waste in a receptacle approved by the health authority and must comply with any other applicable City Code requirements.
- (D) A person who operates a mobile food establishment must meet all of the following requirements:
 - (1) A mobile food establishment shall provide only single service articles for use by the consumer;
 - (2) A mobile food establishment shall comply with the regulations the health authority adopts regarding time, temperature, plumbing, operation and maintenance requirements for mobile food establishments;
 - (3) A mobile food establishment shall comply with the regulations the health authority adopts regarding a mobile food

establishment's provisions, mandatory central preparation facility, serving area and operations;

- (4) A mobile food establishment shall demonstrate that the vehicle is readily moveable if requested by the health authority;
- (5) A mobile food establishment shall comply with all requirements of the health authority prohibiting alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility of the mobile food establishment unit;
- (6) If at one location for more than two hours, a written agreement from a business within 150 feet of the mobile food establishment, allowing employees of the mobile food establishment to have use of flushable restrooms (or other facilities as approved by the health authority) during hours of operation;
- (7) The health authority shall require a mobile food establishment to come, on an annual basis, to a location designated by the health authority for an inspection;
- (8) All food and food supplies must be stored within the mobile unit;
- (9) Except as provided in Subsection (E) of this section, a [A] person who operates a mobile food establishment may not place food, equipment, or supplies that are part of its operations outside of the permitted unit and must conduct [all—of] its operational activities within the mobile food establishment; and,
- (10) The health authority may require that mobile food establishments found to violate this section to come for a re-inspection at a location designated by the health authority.

(E) Subsection (D)(9) of this section does not apply to trash, recycling, or composting receptacles required under Article 5 (*Universal Recycling*) of Chapter 15-6 (*Solid Waste Services*) of the City Code and that a person uses while operating a mobile food establishment. An operator of a mobile food establishment may place trash, recycling, or composting receptacles outside of, and detached from, the mobile food establishment when the establishment is open for business.

PART 2. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

_____, 2014 §
 §
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____ **ATTEST:** _____
 Karen M. Kennard Jannette S. Goodall
 City Attorney City Clerk