

**ORDINANCE NO. 20060608-120**

**AN ORDINANCE ESTABLISHING TEMPORARY REGULATIONS RELATING TO MOBILE FOOD ESTABLISHMENTS.**

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

**PART 1. DEFINITIONS.**

In this ordinance:

- (1) PERMIT HOLDER means the person to whom the health authority issues a permit for a mobile food establishment required by Chapter 10-3 (*Food and Food Handlers*) of the City Code.
- (2) MOBILE FOOD ESTABLISHMENT has the meaning established in Title 25, Part 1, Section 229.162 (*Definitions*) of the Texas Administrative Code and Section 10-3-1 (*Definitions*) of the City Code.
- (3) SOUND EQUIPMENT has the meaning established in Section 9-2-1 (*Definitions*) of the City Code.

**PART 2. MOBILE FOOD ESTABLISHMENT REGULATIONS.**

- (A) A mobile food establishment is not permitted on private property except as provided in this part.
- (B) A mobile food establishment:
  - (1) must be licensed by the health authority;
  - (2) is permitted in all commercial and industrial zoning districts, except in a neighborhood office (NO), limited office (LO), or general office (GO) zoning district;
  - (3) may not be located within 50 feet of a lot with a building that contains both a residential and commercial use;
  - (4) may not operate between the hours of 3:00 a.m. and 6:00 a.m.;
  - (5) may not be located within 20 feet of a restaurant (general) or restaurant (limited) use.

- (C) The noise level of the following types of equipment used in association with a mobile food establishment may not exceed 70 decibels when measured at the property line that is across the street from or abutting a residential use:
  - (1) mechanical equipment; and
  - (2) sound equipment located outside of the mobile food establishment use.
- (D) A drive-in service is not permitted.
- (E) Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.
- (F) A mobile food establishment is limited to a sign attached to the exterior of the mobile food establishment. The sign:
  - (1) must be secured and mounted flat against the mobile food establishment; and
  - (2) may not project more than six inches from the exterior of the mobile food establishment.
- (G) During business hours, the permit holder shall provide a trash receptacle for use by customers.
- (H) The permit holder shall clear the area around the mobile food establishment of litter and debris each day of operation.
- (I) A permanent water or wastewater connection is prohibited.
- (J) Electrical service may be provided only by:
  - (1) temporary service or other connection provided by an electric utility; or
  - (2) an onboard generator.
- (K) A mobile food establishment is an accessory use and not subject to this ordinance if it:
  - (1) is located on the same site as a restaurant (limited) or restaurant (general) use; and
  - (2) serves food provided by the restaurant (limited) or restaurant (general) use.

- (L) This ordinance does not apply to a mobile food establishment that is located on private property for three hours or less in a 24 hour period.
- (M) A site plan, site plan exemption, or temporary use permit is not required for the operation of a mobile food establishment.

**PART 3. COMPLIANCE; PENALTY.**

The permit holder shall comply with this ordinance. A violation of this ordinance is a Class C misdemeanor.

**PART 4. PLANNING COMMISSION RECOMMENDATION.**

The Planning Commission shall make a recommendation to the Council regarding the appropriate buffering between a mobile food establishment and a residential use. The City Manager shall present the recommendation the Council on or before August 31, 2006.


**PART 5.** This ordinance expires on September 29, 2006.


**PART 6.** This ordinance takes effect on June 19, 2006.


**PASSED AND APPROVED**

\_\_\_\_\_, June 8 \_\_\_\_\_, 2006

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Will Wynne  
Mayor

**APPROVED:**   
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David Allan Smith  
City Attorney

**ATTEST:**   
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Shirley A. Gentry  
City Clerk