



PLANNING AND ZONING COMMISSION MEETING AGENDA

Notice is hereby given of a **Regular Meeting** of the La Porte **Planning and Zoning Commission** to be held on **Thursday, April 20, 2017** at 6:00 p.m. at City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS.**
- 3. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. January 31, 2017 Meeting
- 4. MAJOR DEVELOPMENT SITE PLANS:**
 - a. Consider a request by Aaron Renden of ATR Engineering, on behalf of DCT Industrial Operating Partnership; for approval of a major development site plan for a proposed warehouse distribution facility on a 13.22 acre parcel located at 9703 State Highway 225
- 5. DISCUSSION ITEMS:**
 - a. Discussion on proposed changes to Chapter 106 regarding Carports
 - b. Discussion on a proposed Food Truck ordinance for the City of La Porte
- 6. ADMINISTRATIVE REPORTS**
- 7. COMMISSION COMMENTS** on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

8. ADJOURN

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

In compliance with the Americans with Disabilities Act, The City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meetings. Please contact Patrice Fogarty, City Secretary, at 281-470-5019.

CERTIFICATION

I certify that a copy of the Thursday, April 20, 2017, agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the ____ day of _____, 2017.

Title: _____

**Planning and Zoning Commission
Minutes of January 31, 2017**

Commissioners Present: Lou Ann Martin, Richard Warren, Trey Kendrick, Larry Stockham, Wyatt Smith, Helen LaCour and Chairman Hal Lawler

Commissioners Absent: Nick Barrera and Mark Follis

City Staff Present: Assistant City Attorney Clark Askins, City Planner Ian Clowes, and Planning Technician Ryan Cramer

1. Call to Order.

Chairman Hal Lawler called the meeting to order at 6:02 p.m.

2. Roll call of members.

Nick Barrera and Mark Follis were not present.

3. Consider approval or other action regarding a request by David Miles, Western Spherical Developers, LLC for approval of the proposed La Porte Town Center General Plan for the 40 acre tract of land known as Tracts 1 and 1L, Johnson Hunter Survey, Abstract 35 generally located on the east side of State Highway 146 north of Wharton Weems Boulevard.

a. Staff Presentation

City Planner Clowes gave staff's presentation. City Planner Clowes noted that the general plan has changed slightly from the previously approved General Plan by removing certain unnecessary details. None of the layouts or uses have changed.

b. Question and Answer

Commissioner Smith asked what would happen if only part of the development were completed. City Planner Clowes explained that no specific timeline is required once the development has started.

Commissioner Stockham asked if the city could allow single family there in the future. City Planner Clowes stated that the city does have the ability to proactively rezone the property for single family but typically refrains from going that route. Assistant City Attorney Askins concurred.

4. Consider a recommendation to the City Council or other action on the proposed General Plan.

Motion by Commissioner Kendrick to recommend approval.

Second by Commissioner Martin. **Motion carried.**

Ayes: Commissioners Stockham, LaCour, Kendrick, Warren, Martin and Chairman Lawler.

Nays:

5. Consider approval or other action on Special Conditional Use Permit (SCUP) request #16-9100004, tabled from the Regular P&Z Meeting of January 19, 2017.

a. Staff Presentation

City Planner Clowes gave staff's presentation. City Planner Clowes explained the few differences from the previously presented SCUP.

b. Question and Answer

Commissioner Smith asked about the required landscaping along the eastern boundary. City Planner Clowes stated that the required landscaping is minimal. The commission requested that additional landscaping be required along the eastern boundary.

Commissioner Stockham requested that the required drainage interconnect be completed sooner rather than later. City Planner Clowes explained that that was addressed in the SCUP language.

Chairman Lowler asked about the timing of the fence to the South. City Planner Clowes explained why the SCUP was worded the way it was. The commission asked that staff amend the language to require the southern fence to be built if the property to the south was developed as residential in the future.

6. Consider a recommendation to the City Council or other action on SCUP #16-9100004 with the two added conditions.

Motion by Commissioner Kendrick to recommend approval with the proposed additional conditions.

Second by Commissioner Smith. **Motion carried.**

Ayes: Commissioners Stockham, LaCour, Follis, Kendrick, Warren, Martin and Chairman Lawler.

Nays:

7. Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 40 acre tract of land known as Tracts 1 and 1L, Johnson Hunter Survey, Abstract 35, from "Low-Density Residential" to "Commercial," "Mid- to High-Density Residential" and "Mixed Use."

c. Staff Presentation

City Planner Clowes gave staff's presentation and summarized the proposed amendment.

d. Question and Answer

There were no questions.

8. Consider a recommendation to the La Porte City Council on FLUP Amendments.

Motion by Commissioner Kendrick to recommend approval of a proposed amendment to the Future Land Use Map.

Second by Commissioner Martin. **Motion Carried.**

Ayes: Commissioners Follis, Warren, Kendrick, Stockham, Martin, LaCour and
Chairman Lawler

Nays: None

9. Administrative reports.

City Planner Clowes discussed a training opportunity available to the Commission.

10. Commission comments on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

Chairman Lowler asked if future developments can be added to the commission agenda packet so that they can stay up to speed.

11. Adjourn

Motion by Commissioner LaCour to adjourn.

Second by Commissioner Kendrick. **Motion Carried.**

Ayes: Commissioners Warren, Kendrick, Stockham, Smith, LaCour, Follis, Martin and
Chairman Hal Lawler

Nays: None

Chairman Lawler adjourned the meeting at 6:48 p.m.

Respectfully submitted,

Trey Kendrick
Secretary, Planning and Zoning Commission

Passed and Approved on _____, 2017.

Hal Lawler
Chairman, Planning and Zoning Commission

**City of La Porte, Texas
Planning and Zoning Commission**



April 20, 2017

AGENDA ITEM 4a

Consider approval of a Major Development Site Plan (#17-83000001)
to allow for construction of a new Warehouse Facility
for the property located north of State Highway 225 (9703 HWY 225).

Applicant: DCT

***Ryan Cramer, Planning Technician
Planning and Development Department
City of La Porte, Texas***

Planning and Development Department Staff Report

ISSUE

Should the Planning and Zoning Commission approve a request by DCT for a Major Development Site Plan for a new warehouse located at 9703 HWY 225?

RECOMMENDATION

Staff recommends approval of the proposed Major Development Site Plan subject to the following condition:

1. Before the site plan is executed, the applicant shall resolve the remaining review comments by the Engineering Manager.

DISCUSSION

Applicant/Property Owner:
DCT

Applicant's Request:

The applicant is seeking to construct a new warehouse which is referred to as, "DCT Building B." The proposed facility will be a 222,210 square foot building with associated development, including parking, drainage, utilities, landscaping, etc. The subject site currently is empty. The attached Exhibit A is the proposed site development plan and other information provided by the applicant.

Background Information:

The subject site is 13.22 acres in size, and is platted as Tracts 30 & 31A & Tracts 17A & 18 out of the Perry Strang Survey, Harris County Texas. This site is north of 225 with access off of a private road. The attached Exhibit B is an Area Map showing the location of the subject property.

The site has recently been rezoned to LI, Light Industrial. It was recommended for approval by the Planning and Zoning Commission on 1-19-17 and approved by City Council on 2-27-17.

The proposed use, general warehousing and storage, is permitted in the LI zone. The City of La Porte’s Land Use Plan identifies the part of the parcel in which the building will sit as LI. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	LI, Light Industrial	Existing Building (9705 State HWY 225)
South	LI, Light Industrial	Existing Building (9701 State HWY 225)
West	Battle Ground Industrial District	Vacant
East	Battle Ground Industrial District	Existing Rail Lines

Analysis:

This site development plan was reviewed according to the provisions of Chapter 86-7 (c). Because the overall site is greater than 10 acres in size, it requires consideration by the Planning and Zoning Commission. The site plan is also subject to all applicable requirements of the city’s Zoning Ordinance (Chapter 106 of the city’s Code of Ordinances). Planning staff has reviewed the proposed site development plan and concluded that the application complies with all applicable code requirements. The following is a description of staff’s analysis of various considerations:

Site Improvements.

The site will include a 222,210 square foot building, new parking lot with a total of 56 automobile parking spaces, truck loading docks on the east side of the building, utility connections, landscaping, and drainage improvements for DCT.

Landscaping.

The site development plan includes proposed landscaping in accordance with the provisions of Section 106-800 of the Code of Ordinances. The applicant does not need frontage landscaping as the building fronts on a private road. The applicant is proposing trees in planters within the parking lot areas in order to visually break up the parking lot as well as provide future shade relief. Staff has reviewed the landscaping proposed and finds that it is consistent with the landscaping required in Section 106-800 of the Code of Ordinances.

Parking and circulation.

Section 106-839 of the Code of Ordinances outlines the city’s parking requirements for warehouse/distribution uses. The requirements are as follows for this development: 4 minimum, plus 3 per 1,000 S.F. of office space plus 1 per non-office employee. In this case a total of 33 parking spaces are required by code. The applicant is proposing a total of 56 car parking spaces with the development. The applicant is also providing the necessary ADA parking spaces required.

The proposed driveways comply with all separation, width, radius and other dimensions outlined in Section 106-835, Figure 10-3. This is a standard practice for all development in the city.

Drainage and detention.

Staff recommends that the Engineering Manager's approval of the drainage plan be a condition of overall plan approval.

Utilities.

Water is already on site, but the developer will have to bring sewer from Old Underwood to the site. The developer is currently working with Public Works to accomplish it.

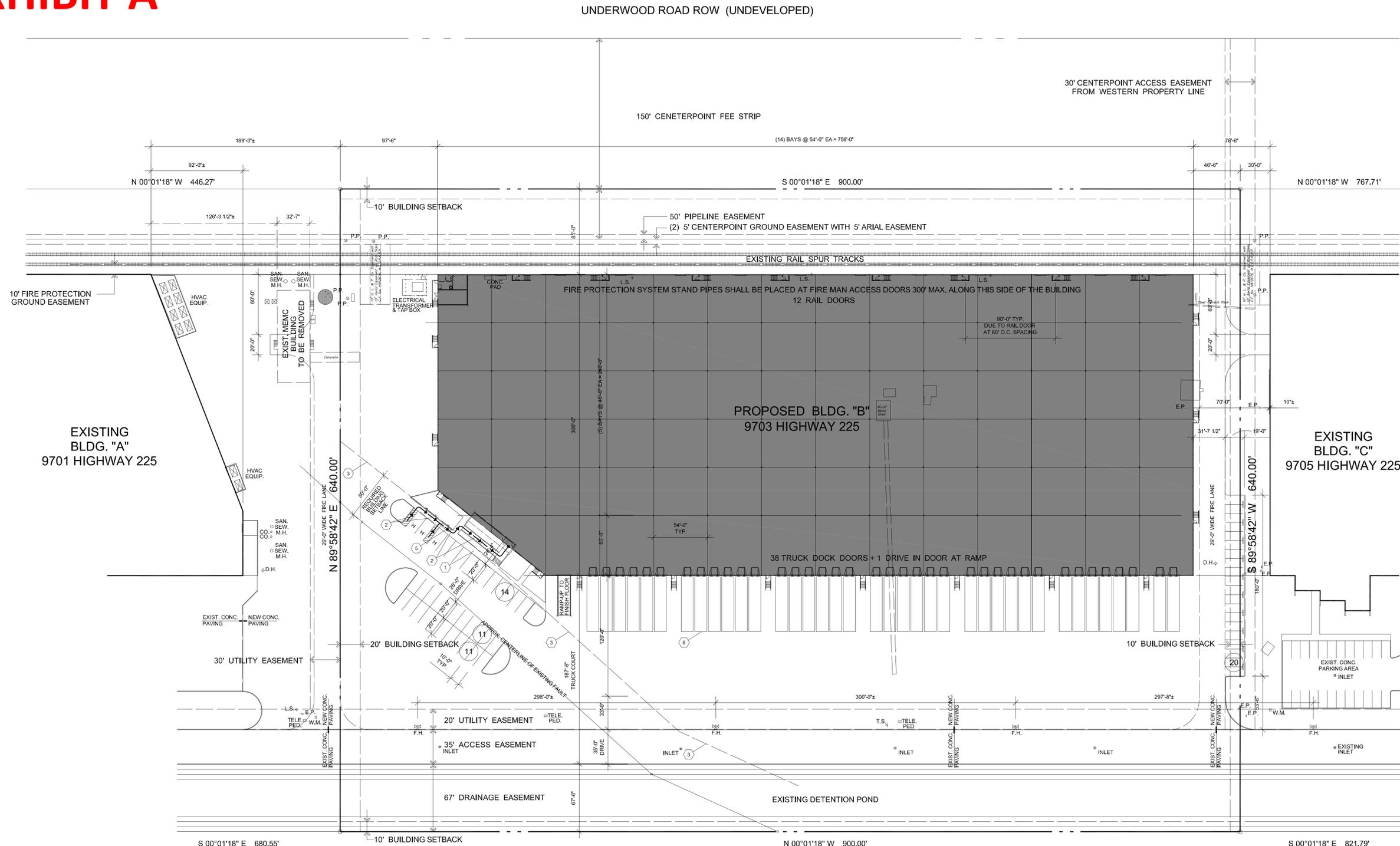
Conclusion:

Based on the analysis above, staff finds that the proposed Major Development Site Plan for the DCT warehouse building complies with the various applicable code requirements and should be considered for approval subject to resolution of any engineering comments, as shown in Exhibit C, resulting from the latest review of the site plan which is included as Exhibit A.

ATTACHMENTS

- Exhibit A: DCT Site Plan
- Exhibit B: Area Map
- Exhibit C: Engineering Comments

EXHIBIT A



KEY NOTES (THIS SHEET ONLY!)

- 1 NEW CONCRETE SIDEWALK, REF. CIVIL DOCS.
- 2 HANDICAP ACCESSIBLE ROUTE FROM HANDICAP ACCESSIBLE PARKING SPACES TO BUILDING ENTRANCE.
- 3 DASHED LINES INDICATE FAULT LINE SETBACK
- 4 THIS LINE REPRESENTS THE SITE PROPERTY / BOUNDARY LINE, REF. THE BOUNDARY SURVEY FOR THE EXACT METES & BOUNDS.
- 5 HANDICAP ACCESSIBLE SLOPED PAVEMENT
- 6 INDICATES TYPICAL 55' LONG BY 12' WIDE LOADING BERTH

GENERAL NOTES

1. PAVING DIMENSIONS ARE TO THE FACE OF THE CURBS.
2. ALL RADII SHALL BE 2'-0" UNLESS OTHERWISE NOTED.
3. PARKING SPACES SHALL BE 10'-0" WIDE x 20'-0" LONG TYP. EXCEPT FOR ACCESSIBLE WHICH SHALL BE 11'-0" WIDE. STRIPES SHALL BE 4" WIDE x SPACE LENGTH PAINTED "WHITE".
4. REFERENCE CIVIL DWGS. FOR ALL PAVEMENT DESIGNS & THICKNESSES.
5. ALL PVC SLEEVES SHALL BE A MINIMUM OF 18" BELOW FINISHED GRADE & BOTTOM OF SLABS ON GRADE.
6. REFERENCE CIVIL DWGS. FOR FINISH GRADE, FINISH FLOOR, TOP OF PAVING ELEVATIONS & ADDITIONAL SITE DETAILS.
7. A LANDSCAPING PLAN HAS BEEN PROVIDED, REFERENCE SHEET L1.1
8. LIGHTING AND GLARE. ANY LIGHTING USED SHALL BE ARRANGED SO AS TO DEFLECT LIGHT AWAY FROM ANY ADJOINING RESIDENTIAL ZONE OR FROM PUBLIC STREETS. DIRECT OR SKY-REFLECTED GLARE, WHERE FROM FLOODLIGHTS OR FROM HIGH TEMPERATURE PROCESSES SUCH AS COMBUSTION OR WELDING SHALL NOT BE DIRECTED ONTO ANY ADJOINING PROPERTY. THE SOURCE OF LIGHTS SHALL BE HOODED OR CONTROLLED IN SOME MANNER SO AS NOT TO LIGHT ADJACENT PROPERTY. BARE INCANDESCENT LIGHT BULBS SHALL NOT BE PERMITTED IN VIEW OF ADJACENT PROPERTY OR PUBLIC RIGHT-OF-WAY. ANY LIGHT OR COMBINATION OF LIGHTS WHICH CASTS LIGHT ON A PUBLIC STREET SHALL NOT EXCEED ONE FOOT-CANDLE (METER READING) AS MEASURED FROM THE CENTERLINE OF SUCH STREET. ANY LIGHT OR COMBINATION OF LIGHTS WHICH CASTS LIGHT ON RESIDENTIAL PROPERTY SHALL NOT EXCEED 0.4 FOOT-CANDLES (METER READING) AS MEASURED FROM SUCH PROPERTY.
9. RADIATION AND ELECTRICAL EMISSIONS. NO ACTIVITIES SHALL BE PERMITTED THAT EMIT DANGEROUS RADIOACTIVITY BEYOND ENCLOSED AREAS. THERE SHALL BE NO ELECTRICAL DISTURBANCE ADVERSELY AFFECTING THE OPERATION AT ANY POINT OF ANY EQUIPMENT OTHER THAN THAT OF THE CREATOR OF SUCH DISTURBANCE.

10. SMOKE. THE EMISSION OF SMOKE BY ANY USE SHALL BE IN COMPLIANCE WITH AND REGULATED BY THE APPROPRIATE FEDERAL, STATE OR LOCAL AGENCY.
11. DUST OR OTHER PARTICULATE MATTER. THE EMISSION OF DUST, FLY ASH OR OTHER PARTICULATE MATTER BY ANY USE SHALL BE IN COMPLIANCE WITH AND REGULATED BY THE APPROPRIATE FEDERAL, STATE OR LOCAL AGENCY.
12. ODORS. THE EMISSION OF ODOR BY ANY USE SHALL BE IN COMPLIANCE WITH AND REGULATED BY THE APPROPRIATE FEDERAL, STATE OR LOCAL AGENCY.
13. EXPLOSIVES. NO ACTIVITIES INVOLVING THE STORAGE, UTILIZATION, OR MANUFACTURE OF MATERIALS OR PRODUCTS SUCH AS TNT OR DYNAMITE WHICH COULD DECOMPOSE BY DETONATION SHALL BE PERMITTED EXCEPT SUCH AS ARE SPECIFICALLY LICENSED BY THE CITY COUNCIL.
14. NOISE. ALL NOISE SHALL BE MUFFLED SO AS NOT TO BE OBJECTIONABLE DUE TO INTERMITTENCE, BEAT FREQUENCY OR SHILLNESS AND AS MEASURED AT ANY PROPERTY LINE IN ACCORDANCE WITH THE DECIBEL LEVELS OUTLINED IN SECTION 106-310 OF THE CITY CODE OF ORDINANCES.

DATA

SITE AREA	(13.2232 ACRES)	576,001 S.F.
BUILDING AREA		222,210 S.F.
PAVEMENT & SIDEWALK AREA		209,655 S.F.
RAIL SPUR AREA		27,000 S.F.
GREEN SPACE AREA		117,136 S.F.
BUILDING TO SITE CALCULATIONS		20%
BUILDING AREA / SITE AREA		222,210 S.F. / 576,001 S.F.
GREEN SPACE CALCULATIONS		39%
GREEN SPACE AREA / SITE AREA		458,865 S.F. / 576,001 S.F.
PARKING CALCULATIONS		
2012 NAICS CODE 48-49 TRANSPORTATION & WAREHOUSING		
4 SPACES MIN. PLUS 3 PER 1000 S.F. OFFICE PLUS 1 SPACE PER NON-OFFICE EMPLOYEE.		
PARKING SPACES REQUIRED		
4900 S.F. FUTURE OFFICE AREA / 1000 X 3 + 4 = 18 SPACES		
15 FUTURE NON-OFFICE EMPLOYEES = 15 SPACES		
TOTAL		33 CARS
PARKING SPACES PROVIDED		53 CARS
STANDARD CAR SPACES		3 CARS
ACCESSIBLE CAR SPACES		56 CARS
TOTAL		
LOADING BERTHS REQUIRED		
MINIMUM OF 1 BERTH PLUS 1 BERTH FOR EACH 50,000 S.F.		
222,210 S.F. / 50,000 S.F. + 1 = 6 BERTHS		
LOADING BERTHS PROVIDED = 38 BERTHS		

VICINITY MAP



NOTE: "X" SHOWN ABOVE MARKS THE LOCATION OF THE PROJECT SITE.

SITE PLAN

1" = 50'-0"

BUILDING LOCATION

LEGAL DESCRIPTION

BUILDINGS ARE LOCATED FROM CORNER PIN "A" AND ALL EXTERIOR WALLS ARE PARALLEL AND/OR PERPENDICULAR TO THE EAST PROPERTY LINE.

TRACTS 30 & 31A & TRACTS 17A & 18 OUT OF THE PERRY STRANG SURVEY HARRIS COUNTY TEXAS.
HCAD PARCEL NUMBER 064223000021

ZONING DISTRICT

LIGHT INDUSTRIAL

NAICS CODE

493110 GENERAL WAREHOUSING & STORAGE

BLDG. OCCUPANCY & CONSTRUCTION TYPE

GROUP B & S-1 OCCUPANCY & CONSTRUCTION TYPE II-B

REGISTERED ARCHITECT
STATE OF TEXAS
03/08/17

ARCHITECT

MUNSON KENNEDY PARTNERSHIP

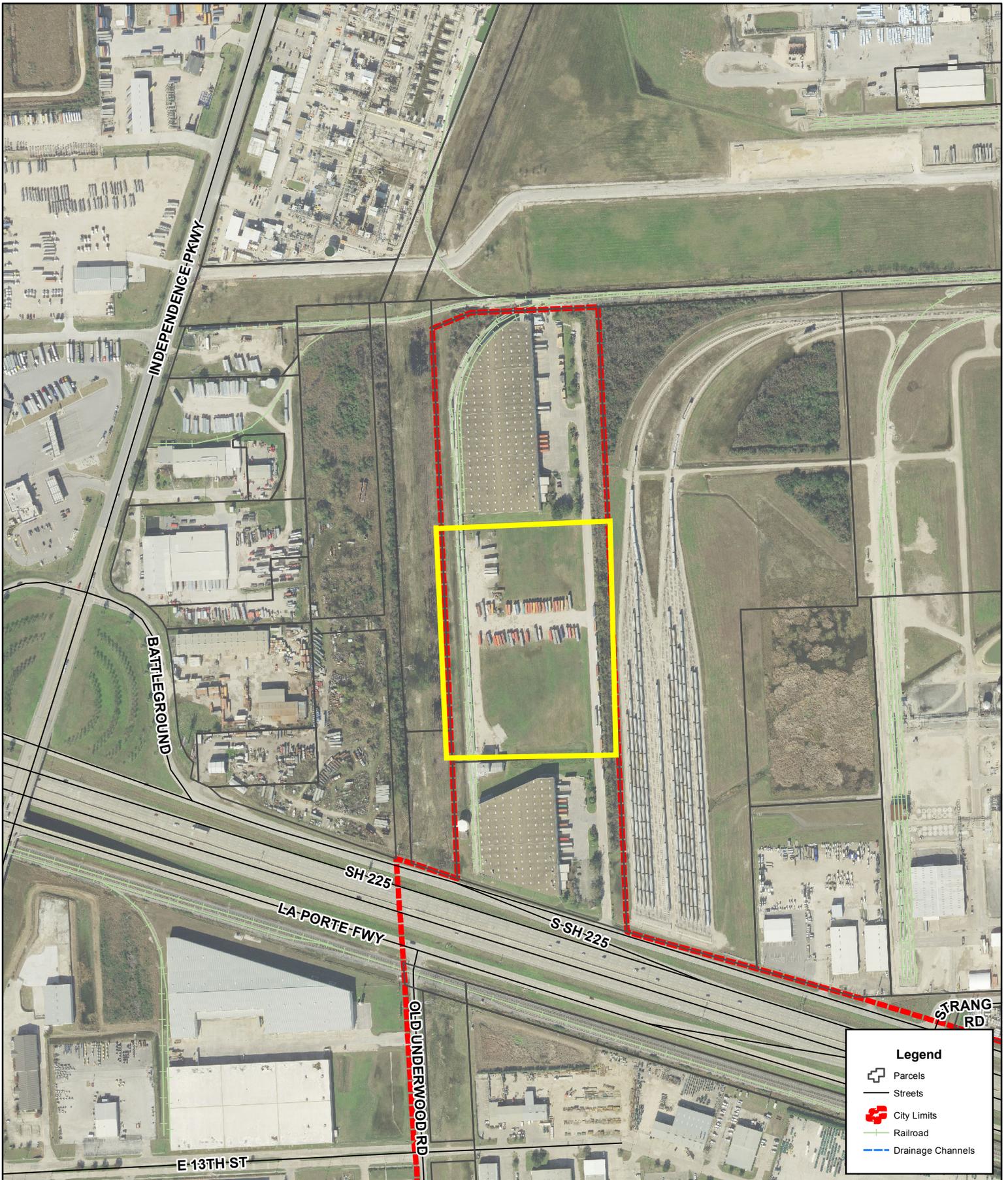
OFFICE / WAREHOUSE DISTRIBUTION BUILDING
DCT / EXEL BUILDING B
9703 HIGHWAY 225 LaPORTE, TEXAS 77571

PROJECT
16-021

DATE
01/19/17

REVISIONS
02/10/17
03/08/17

SHEET
A1.1



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of La Porte makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of La Porte from any damage, loss, or liability arising from such use.



City of La Porte
 604 W. Fairmont Parkway
 La Porte, TX 77571
 (281) 471-5020
 www.laportetx.gov

Location Map - DCT

1" = 479'





March 29, 2017

Aaron Rendon
ATR Engineering
16300 Katy Freeway, Suite 222
Houston, Texas

RE: Major Development Site Plan Application – Submittal #2 Review Letter
DCT Building B (Case #17-83000001)

Dear Mr. Rendon:

The City of La Porte received your application for a major development site plan conducted our review of the documentation submitted. This letter was updated on 3/1/17 to reflect new review comments and includes all comments and questions related to your plan submittal by the various city agencies.

Engineering:

(Lorenzo Wingate, Engineering Manager, 281-470-5058, WingateL@LaPorteTX.Gov)

1. According to Section 5.4 of the Storm Water Design Criteria, storm sewers should be designed for a minimum of a 5-yr storm. <http://laportetx.gov/495/Public-Improvement-Criterial-Manual>
2. According to Section 5.4.B.1 of the Storm Water Design Criteria, Runoff Coefficient "C" is 0.85 for the Light Industrial zone. <http://laportetx.gov/495/Public-Improvement-Criterial-Manual>
3. Design velocity should be at minimum 3 fps. <http://laportetx.gov/495/Public-Improvement-Criterial-Manual>
4. The actual flow "Q" should be less than the design storm "Q".
5. Potential flooding hazard based on HGL elevations. Please revise to mitigate flooding potential.
6. Hydraulic Grade Line elevation should be lower than Finished Floor Elevation.

At this time, we will schedule you for the April 20th, 2017 P&Z meeting. If you have those comments addressed by next Friday we can include the newest submittal in the P&Z Packet, if not we will make satisfying those comments a condition of approval. Please provide me with a revised submittal of the site plan and a letter detailing how you addressed individual comments for review. You can resubmit electronically if you desire. If you have any further questions, please don't hesitate to contact me directly at 281-470-5065 or via email at CramerR@laportetx.gov.

Sincerely,

Ryan Cramer
Planning Technician

**City of La Porte, Texas
Planning and Zoning Commission**



April 20, 2017

AGENDA ITEM 5a

Discussion on proposed changes to Chapter 106 regarding Carports

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

LA PORTE

Sec. 106-741. - General provisions.

(a) No accessory buildings, uses or structures shall be erected or located in any required yard other than the rear yard except:

- (1) A detached private garage as defined, may be permitted in side yards, provided:
 - a. It complies with all the requirements of this section;
 - b. It shall be five feet or more from side lot lines; and
 - c. The side yard does not abut a street right-of-way.
- (2) Accessory buildings built on a skid foundation, no larger than 120 square feet and no more than one story in height may be located in utility easements in required rear yards, except that they may not be located closer than three feet from a side or rear property line or closer than six feet from any other structure.

Sec. 106-771. - Yard requirements.

(4) *Front and side yard carports.* Front and side yard carports shall be permitted for single-family detached homes subject to the following requirements:

- a. Carports in a required front or side yard shall not be located closer than five feet from any front or side property line.
- b. Carports located on corner lots shall not be located closer than 25 feet from an intersection. This distance shall be measured from the intersection of property lines common with street right-of-way lines.
- c. The maximum width of a carport located in a required front or side yard shall be 25 feet.

PEARLAND

Section 2.5.3.1 Area Regulations for Accessory Structures (All Districts)

(a) **Location of Accessory Structures on Smaller Lots.** On properties less than one (1) acre in size and zoned or utilized for residential use, accessory structures shall only be permitted to locate as follows:

- (1) Garages, carports, swimming pools and structures that typically accompany pools (such as bath houses, cabanas, and covered patios next to a pool), shall be entirely behind the imaginary line that incorporates the rearmost front face at least five (5) feet in length of the principal building. That portion of any such accessory structure that is located in front of the imaginary line that incorporates the forward-most rear face at least five (5) feet in length of the principal building shall comply with the side setback requirements applicable to the principal building.
- (2) All other accessory structures shall be located behind the imaginary line that incorporates the forward-most rear face at least five (5) feet in length of the principal building, and shall be no closer than five feet (5') to a common property line, or three feet (3') upon approval of the building official, and shall not encroach on any dedicated easements. (See *Figure 2-4*, on page 210.)

(b) Location of Accessory Structures on Larger Lots. On properties one (1) acre or greater in size and zoned or utilized for residential use, accessory structures shall be permitted anywhere on the property so long as such structures: (1) are set back at least one hundred (100) feet from the front property line; (2) are no closer than three feet (3') to a common property line; and (3) do not encroach on any dedicated easements.

(c) Screening for Accessory Buildings. Accessory buildings in non-residential zoning districts shall be screened from public view in conformance with the requirements within Chapter 4, Article 2, Division 4 of this UDC.

(d) Garages and Carports. Garages and carports shall adhere to all requirements of this Section 2.5.3.1, except that front, rear, and side yard setbacks shall meet the following:

(1) Garages or carports accessed from an interior side yard shall have a minimum setback of twenty feet (20') from the side lot line.

(2) Carports or garages accessed from a side or rear yard, facing a public street, or from a side or rear alley shall have a minimum distance equal to the required yard for the main building or twenty feet (20'), whichever is greater.

(3) For these requirements, carports shall be measured from the roof nearest to the street or alley (see *Figure 2-3*).

LEAGUE CITY

Sec. 125-120. - Accessory structures and uses.

(a) *General.* This section generally refines the city's existing regulations for accessory structures and uses. Permitted accessory uses are more clearly defined. Structures and uses ancillary to a permitted principal use are considered accessory structures and uses. Accessory structures and uses are subject to the same regulations that apply to principal uses in each district, except as otherwise specified by this section. Accessory structures may not be constructed without the primary structures that they support. This section establishes regulations for residential and nonresidential accessory structures and uses, excluding home occupations (refer to division 1 of this article).

(b) *Accessory structures.* Accessory structures shall be located, developed, and operated in compliance with the following standards:

(1) *Location.* No accessory structure is permitted in a required front or rear yard setback, or in any easement on the property. Detached accessory structures shall be located to the rear or to the side of the principal building.

(2) *Setbacks.* The minimum setbacks for detached accessory structures shall be equal to those of the building on the lot, except that detached accessory structures shall not be located within ten feet of any rear lot line; where a rear alley is provided, the setback from the rear lot line may be reduced to six feet.

(3) *Maximum size.* No residential accessory structure shall occupy more than 30 percent of the required rear yard setback, defined as the space extending the full width of the lot between the principal structure and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line. The maximum size of non-residential accessory structures shall be determined by the maximum lot coverage standard in the district within which it is located.

(4) *Maximum height.* No residential accessory structure shall exceed 25 feet. The maximum height of non-residential accessory structures shall be determined by the maximum height permitted in the district within which it is located.

(5) *Storage containers.* Storage containers are prohibited from being used as accessory structures.

BAYTOWN

The following features may be located within required setbacks so long as they are in conformance with the visibility triangle standards in [section 122-3](#) of the Code of Ordinances:

(7) Open outside stairways, entrance hoods, terraces, canopies, carports and balconies that do not project more than five feet into a required front or rear setback or more than two feet into a required side setback;

DEER PARK

10.0232

A carport is defined as an open sided structure attached to an automobile garage on one end or side and supported by poles or decorative posts. The supporting framework shall be of wood or metal. The roof covering shall be wood, metal or a composition material considered permanent in nature. A carport is to be used for temporary parking of motor vehicles used on a day to day basis. No carport is allowed to substitute for a garage as defined, or required by any existing ordinances. A carport, although considered a permanent structure, cannot be used for any purpose other than motor vehicle or trailer parking.

Carport construction is governed by the following regulations:

- (1) Roof—not to exceed 20 feet length overall. Eave height not to exceed the height of the eave of the nearest building.
- (2) Corner posts no further than 18 feet from the face of the permanent structure that measures the most setback from the property line.
- (3) Sides must remain open, except for that portion of the side or end covered by attachment to an existing house or garage.
- (4) No carport shall be erected nearer than five feet to the front property line when measured from the longest projection of the roof line, eave, or decorative overhang; except when there is a 20-foot setback line, the five-foot requirement shall not apply. In such case, the carport shall not be extended nearer than one foot of the property line.

The purpose of this subsection is to allow the erection of carports in the front of a building, projecting toward the front lot line. This section is not intended to restrict the erection of a carport or accessory structure, in accordance with existing sections, on any side or rear lot.

SEABROOK

Accessory building means a building customarily incidental and subordinate to the main building or use located on the same lot with the main building.

3.04.04. Accessory structures: Accessory structures shall not occupy a required front or corner side yard or project beyond the front building line of the principal structure on the site. Accessory structures shall be set back at least five feet from interior side and rear property lines. A minimum distance of not less than five feet shall be maintained between the main structure and accessory buildings. Connecting breezeways shall not exceed eight feet in width at the eaves. Buildings shall be separated by an approved firestop in the roof and walls. The total ground floor area (or the area covered by any elevated floor area) of accessory structures more than 30 inches in height shall not exceed 45 percent of the area of the required rear yard. No accessory structures or other obstructions including decks, pools, paving, landscaping structures or trees and fountains may be erected on any utility easement.

**City of La Porte, Texas
Planning and Zoning Commission**



April 20, 2017

AGENDA ITEM 5b

Discussion on proposed Food Truck Ordinance for the City of La Porte

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

Houston Food Truck Ordinance

Sec. 20-22. - Mobile food units and commissaries.

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

Catering establishment shall have the meaning ascribed in section 20-18 of this Code.

Commissary shall have the meaning ascribed in section 20-18 of this Code.

Fixed location mobile food unit shall mean a mobile food unit that is restricted to operation on the premises of a permitted food establishment that serves as the commissary for the fixed location unit. A fixed location unit must be easily movable and maneuverable by one person when the unit is fully loaded.

Food service establishment shall have the meaning ascribed in section 20-18 of this Code.

Licensed park vending unit shall mean a fixed location mobile food unit used by a vendor who has been issued a permit under article IX of Chapter 32 of this Code.

Mobile food unit shall have the meaning ascribed in section 20-18 of this Code.

Restricted operations mobile food unit shall mean a mobile food unit that serves no food other than: (1) food that was prepared and packaged in individual servings at an approved commissary and transported and stored under conditions meeting the requirements of this article; (2) beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment; (3) potentially hazardous beverages such as individual servings of milk, milk products and coffee creams that have been packaged at a pasteurizing plant; and (4) prepackaged individual serving frozen dessert items including, without limitation, frozen ice and ice cream novelty bars, cones and serving cups that have been packaged at a pasteurizing plant or other approved facility.

- (b) *General.* All mobile food units shall comply with all applicable laws, including the requirements of this article, except as otherwise provided in this section. The health officer may impose additional requirements to protect against health hazards related to the conduct of mobile food units and may prohibit the sale of time/temperature controlled for safety (TCS) foods. The provisions of this section shall be enforceable by any peace officer or health officer.

- (c) *Issuance of medallions for operation of mobile food units.*

(1) *Medallions.* All mobile food units shall obtain a medallion from the department prior to operating. Operation of a mobile food unit without a medallion is prohibited.

(2) *Submission of plans.* Prior to the issuance of a medallion, the operator of a mobile food unit, other than a restricted operations mobile food unit, shall provide the following to the department:

- a. A written standard operating procedure for each mobile food unit that must include provisions for:

- [1] Food unit's waste water disposal site and process; and
- [2] Other servicing operations details; and

- b. Two sets of drawings that must clearly specify and address the proposed layout, surface finish schedule, arrangement and construction material of the mobile food unit, and that must include, without limitation, the proposed layout, arrangement and sizes of plumbing fixtures and connections.

The provisions of this item (2) shall not be applicable to renewals, provided that the applicant certifies in writing to the health officer that the previously provided procedures and plans are still valid.

- (3) *Locations of operation.* Prior to the issuance of any initial or renewal medallion, the operator of a mobile food unit, other than a restricted operations mobile food unit, shall submit to the department a list of locations where the mobile food unit will be in operation. The operator shall

also give written notice at least two business days prior to beginning operations at or relocating operations to any location not currently included on the list of active locations submitted to the department.

- (4) *Operation on private property.* Prior to the issuance of a medallion or renewal, the operator of a mobile food unit that will be operated on private property for more than one hour in a single day shall submit to the department proof of ownership of the property or a signed and notarized written statement from the owner or owner's agent, including the name, address and telephone number of the property owner or authorized agent, granting permission for operation of the mobile food unit at the proposed location. If the property owner is a partnership or corporation, the statement shall include the name, address, and telephone number of one of the partners or officers. A copy of the statement shall be displayed in the mobile food unit in plain view of the public at all times. The operator of a mobile food unit shall immediately cease operations and remove the mobile food unit from said property upon receipt of a citation for a violation of this subsection.
 - (5) *Access to toilets.* Prior to the issuance of a medallion or renewal, the operator of a mobile food unit, other than a restricted operations mobile food unit, a licensed park vending unit or a fixed location mobile food unit, to be operated on private property shall submit to the department proof of availability of restrooms with flushable toilets for the use of the mobile food unit employees located in a business establishment within 500 feet of each location where the mobile food unit will be in operation for more than 1 hour in any single day. Proof of availability of adequate facilities shall be in the form of a written statement from the owner or owner's agent, including the name, address and telephone number of the property owner or authorized agent, and the type of business and hours of operation, granting permission for use of the facilities. If the business owner is a partnership or corporation, the statement shall include the name, address, and telephone number of one of the partners or officers. A copy of the statement shall be displayed in the mobile food unit in plain view of the public at all times. The operator of a mobile food unit shall immediately cease operations and remove the mobile food unit from said property upon receipt of a citation for a violation of this subsection.
 - (6) *Signage.* Every mobile food unit must be readily identifiable by business name, printed, permanently affixed, and prominently displayed upon at least two sides of the units, in letters not less than three inches in height.
 - (7) *Mobility.* A mobile food unit must demonstrate mobility at any reasonable time if requested by any peace officer or health officer.
 - (8) *Use of LP-gas.* The operator of a mobile food unit in, on or in conjunction with which LP-gas is used to cook or otherwise prepare food shall obtain from the fire department a permit for the use of LP-gas and LP-gas equipment for each mobile food unit and shall make the permit available for inspection and/or copying upon the request of any peace officer, fire department employee, or health officer.
- (d) *Sanitation.* In addition to complying with the requirements of this section, all mobile food units shall comply with the following items of sanitation:
- (1) *Single-service articles.* Mobile food units shall provide only single-service articles for use by the consumer.
 - (2) *Water systems.* A mobile food unit, other than a restricted operations mobile food unit, shall have a potable water system under pressure. All water used in connection with the mobile food unit shall be from sources approved by the health officer. The water system shall include a potable water tank of not less than 30 gallons capacity for conventional mobile food units and not less than 5 gallons capacity for units used by a vendor licensed under chapter 32, article IX of this Code and for fixed location mobile food units. The water system shall include a potable water tank of not less than 30 gallons capacity for conventional mobile food units and not less than 5 gallons capacity for licensed park vending units and for fixed location mobile food units. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing and potable water tanks shall be

constructed of materials meeting standards established by an American National Standards Institute (ANSI) or other approved accredited certification program and installed according to the requirements of this article. Connection to a water system at an operational location is prohibited. The water system shall comply with the following additional items:

- a. *Tank design and construction.* A mobile food unit's water tank shall be enclosed from the filling inlet to the discharge outlet and sloped to an outlet that allows complete drainage of the tank.
 - b. *Tank inspection and cleaning port, protected and secured.* If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:
 - [1] Flanged upward at least 13 mm (one-half inch);
 - [2] Equipped with a port cover assembly that is provided with a gasket and a device for securing the cover in place; and
 - [3] Flanged to overlap the opening and sloped to drain.
 - c. *"V" type threads, use limitation.* A fitting with "V" type threads on water tank inlets or outlets shall be allowed only when a hose is permanently attached.
 - d. *Tank vent, protected.* If provided, a water tank vent shall terminate in a downward direction and shall be covered with;
 - [1] A screen of 16 mesh to one inch or equivalent when the vent is in a protected area; or
 - [2] A protective filter when the vent is in an area that is not protected from wind blown dirt and debris.
 - e. *Protective cover or device.* A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall be provided for each water inlet, outlet, and hose.
- (3) *Mobile food establishment water tanks, when required.* Materials that are used in the construction of a mobile food unit water tank and appurtenances shall be safe, durable, corrosion-resistant, and nonabsorbent, and finished to have an easily cleanable surface.
- a. *Tank hose, construction and identification.* A hose used for conveying drinking water from a water tank shall be safe; durable, corrosion-resistant, and nonabsorbent; resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition; finished with a smooth interior surface; and clearly and durably identified as to its use if not permanently attached.
 - b. *Tank filter, compressed air.* A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and the drinking water system when compressed air is used to pressurize the water tank system.
 - c. *Mobile food unit tank inlet.* A mobile food unit water tank inlet shall be 19.1 mm (three-fourths inch) in inner diameter or less and provided with a hose connection of the size or type that will prevent its use for any other service.
 - d. *Operation and maintenance system flushing.* A water tank, pump, and hoses shall be flushed and sanitized at an approved commissary before being placed in service after construction, repair, modification, and periods of nonuse.
 - e. *Using a pump and hoses; backflow prevention.* An individual shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.
 - f. *Protecting inlets, outlets, and hose fittings.* If not in use, a water tank and hose inlet and outlet fittings shall be protected using a cover or device as specified in sub-item g below.
 - g. *Tank, pump, and hoses; dedication.* A water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose. Water tanks, pumps, and hoses approved

for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

- (4) *Waste retention.* If liquid waste results from operation of a mobile food unit, it shall be stored in permanently installed vented retention tanks that are at least 15 percent larger than the water supply tank. A mobile food unit waste retention tank shall be sloped to an outlet that allows complete drainage of the tank during servicing operations. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion or at an operational location. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the food unit. The waste connection shall be located below the water connection to preclude contamination of the potable water system. Connection to a sewerage system at an operational location is prohibited.
 - (5) *Garbage and refuse.* A mobile food unit shall have adequate and approved garbage and refuse storage facilities for the operator's use and shall have garbage and refuse storage facilities attached to the exterior of the mobile food unit that are insect and rodent-proof for customers' use. Disposal shall be in accordance with section 20-21.20 of this Code.
 - (6) *Damage report.* Any accident involving a mobile food unit shall be reported within 24 hours of the time the accident occurred if the accident results in damage to the water system, waste retention tank, food service equipment, or any facility that may result in the contamination of the food being carried or any damage that results in a violation of this section. Reports shall be made by the holder of the mobile food unit medallion.
 - (7) *Operation capacity limited.* The operator of a mobile food unit shall prepare, serve, store and display food and beverages on or in the mobile food unit itself and shall not attach, set up or use any other device or equipment intended to increase selling, serving, storage, or display capacity of the mobile food unit. It shall be unlawful for the operator of a mobile food unit to:
 - a. Allow items, such as but not limited to brooms, mops, hoses, equipment, containers and boxes or cartons, to remain adjacent to or beneath the mobile food unit;
 - b. Provide or allow any sign or banner to remain that is not attached to and solely supported by the mobile food unit;
 - c. Provide or allow any canopy, awning or other covering that is not attached to and solely supported by the mobile food unit to remain over any part of the mobile food unit or over any area within 100 feet of the mobile food unit, except that any awning or covering provided by others and primarily used for other purposes and only incidentally or coincidentally used by the mobile food unit shall not be considered a violation of this subsection;
 - d. Provide or allow any portable toilet facility within 100 feet of the mobile food unit; and
 - e. Provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, within 100 feet of the mobile food unit. Dining areas or seating areas adjacent to fixed location mobile food units operating inside of an enclosed space such as a mall or lobby or licensed park vending units where the seating is provided by someone other than the mobile food unit operator and only incidentally or coincidentally used by the patrons of the mobile food unit are acceptable if approved by the health officer.
 - (8) *Utility connections.* Utility connections, if any, shall be limited to quick-connect electrical and telephone services and shall be in full compliance with the Electrical Code. Utility connections for water, sewerage and gas are prohibited.
 - (9) *Exterior surfaces.* Exterior surfaces of mobile food units shall be of weather-resistant materials and shall comply with all applicable laws.
- (e) *Servicing of mobile food units by commissaries; servicing records.*
- (1) *Servicing by commissaries.* Mobile food units, other than restricted service mobile food units, shall operate from a commissary approved by the health officer and shall report to such location for supplies, cleaning, and servicing operations as follows:

- a. Fixed location mobile food units shall return to the commissary at least once per day of operation for the performance of all servicing operations.
 - b. Licensed park vending units shall return to the commissary at least once per day of operation for the performance of all servicing operations.
 - c. All other mobile food units shall return to the commissary for the performance of all servicing operations within the 24-hour period preceding operations.
- (2) *Servicing records.* It shall be unlawful for an operator of a mobile food unit, other than a restricted service mobile food unit, to be in operation without a valid servicing record in his possession.
 - (3) *Servicing records to be kept by mobile food unit operators.* The operator of a mobile food unit, other than a restricted operations mobile food unit, shall keep and maintain servicing records on the mobile food unit for a period of one year from the date of servicing. The servicing records must be immediately available to any peace officer or health officer for inspection and copy at the mobile food unit during the mobile food unit's hours of operation.
 - (4) *Servicing records to be kept by commissaries.* The commissary from which a mobile food unit operates shall issue and maintain servicing records for each mobile food unit in a manner and form prescribed by the health officer. The permit holder, person in charge, employee, or representative of any commissary shall keep and maintain servicing records at the commissary for a period of two years from the date of servicing or until retrieved by the health officer, whichever comes first. Servicing records maintained at the commissary shall be immediately available to any peace officer or health officer for inspection and copying during normal business hours.
 - (5) *Falsification of servicing records.* It shall be unlawful for an owner, permit holder, person in charge, employee, or representative of any commissary to issue a servicing record without first verifying that the mobile unit has complied with all servicing requirements. It shall be unlawful for any owner, permit holder, person in charge, employee, or representative of any commissary or mobile food unit to knowingly present or issue any false, fraudulent, or untruthful servicing record for the purpose of demonstrating compliance with this subsection.
 - (6) *Maintenance of servicing records.* The health officer may promulgate rules and procedures regarding maintenance of the servicing records by the commissaries and mobile food units. The health officer may require the use of electronic or other technology to facilitate or monitor compliance with the requirements of this chapter.
- (f) *Commissaries.*
 - (1) *Permitting of commissaries as food establishments.* A commissary servicing any mobile food unit, other than a restricted service mobile food unit shall be an approved and permitted food establishment at which the mobile food unit is supplied with fresh water, emptied of waste water into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the mobile food unit utensil-washing sink.
 - (2) *Permitting of commissaries as food dealers.* A commissary shall acquire and maintain a valid food dealer's permit and meet all requirements of this article including, but not limited to:
 - a. Maintenance of proper structures pursuant to section 20-21.28 of this Code;
 - b. Issuance and maintenance of servicing records and maintenance of equipment pursuant to subsection 20-22(c) and (h) of this Code; and
 - c. Compliance with all other applicable rules and operational guidelines as may be promulgated by the health officer.
 - (3) *Private residences.* Use of a private residence as a commissary is prohibited.
 - (4) *Commissary servicing area and operations.*

- a. An enclosed service building separated from commissary operations shall be provided for supplying and maintaining mobile food units. The servicing area shall be at an approved location and constructed and operated in compliance with the requirements of this article. Fixed location mobile food units authorized under this article and mobile food units licensed under article IX of Chapter 32 of this Code shall be stored in the servicing area except while in operation for food service and during transport to and from the service building. Fixed location mobile food units authorized under this article and licensed park vending units shall be stored in the servicing area except while in operation for food service and during transport to and from the service building.
- b. *Servicing operations.*
 - [1] Potable water-servicing equipment shall be stored and handled in a way that protects the water and equipment from contamination.
 - [2] The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal system in accordance with section 20-21.16 of this Code. The flushing and draining area for liquid wastes shall be separate from the area used for loading and unloading of food and related supplies.
 - [3] Vehicle cleaning and in-place cleaning of nonfood-contact surfaces of equipment not requiring sanitization shall be done with potable water and shall be done in a manner that will not contaminate the vehicle's food storage or food preparation areas or equipment. If hoses are used in the cleaning process, they shall be food-grade and kept off the floor or pavement, on racks or by other approved suitable means, and the system shall meet the requirements of section 20-21.17 of this Code. All cleaning areas shall be paved with a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt, which is sloped to drain toward an approved catch basin or floor drain where the liquid waste can be disposed of in accordance with the requirements of section 20-21.16 of this Code.
 - [4] The use of liquid waste transport vehicles, otherwise known as vacuum trucks, for the removal and disposal of liquid waste resulting from mobile food unit operations is prohibited. Provided, however, that a fixed location mobile food unit operating exclusively in a permanent nonresidential building that is primarily used for other purposes, such as a retail shopping mall, office atrium, or hospital lobby, may utilize other means to fill water tanks and to drain and flush wastewater tanks if approved by the health officer.
 - [5] Servicing operations may be performed by the commissary operator or by the mobile food unit operator. It shall be the commissary operator's responsibility to observe or perform servicing on each mobile food unit and properly complete a servicing record as prescribed by the health officer. It is the responsibility of the mobile food unit operator to confirm that the requirements of this section are fulfilled prior to resuming operations.
- (g) *Special requirements for mobile food units operated by licensed park vendors.* In addition to complying with the other applicable requirements of this chapter, a mobile food unit operated by a vendor licensed under article IX of chapter 32 of this Code, must meet the following requirements:
 - (1) A unit shall not exceed four feet in width, eight feet in length and eight feet in height including the unit's shade umbrella. In the event of an emergency, the unit must be easily movable, controllable, and maneuverable by one person when the unit is fully loaded. A unit shall have at least two operable rubber or rubber-like wheels that are less than eight inches in diameter. The bottom of the unit shall be at least one foot from the ground. The unit shall be non-motorized.
 - (2) Each unit shall have protective glass guards and a roof or a shade umbrella to protect against exposure to insects, rodents, dust, or other contamination. Each unit shall have ample space available on the sides of the unit to display the prices of food, the name and street address of the vendor, and the medallion issued under section 20-37 of this Code.

- (3) Each unit shall have a litter receptacle attached to the unit available, clearly marked, and maintained for patron use. This litter receptacle shall have not less than a twenty-gallon capacity and shall be composed of a leak-proof, nonabsorbent material.
- (4) The interior of a unit shall be equipped with cabinet units or compartments. All food-contact surfaces shall be smooth, easily accessible and cleanable. Unfinished or painted wood shall not be used as a food-contact surface. Units that will dispense beverages must be equipped to do so from a closed carbonation system or bulk dispensing units or to distribute packaged beverages.
- (h) *Special requirements for fixed location mobile food units.* A mobile food unit that does not meet all criteria applicable to the permitting of a conventional mobile food unit may be permitted on a fixed location only basis, provided:
 - (1) The unit complies with the same criteria stated in items (1), (2), (3) and (4) of subsection (g) above for units operated by licensed park vendors;
 - (2) The unit shall be restricted to operation on the premises of one food establishment that holds a valid permit under this article, and the commissary serving the unit shall be located in that establishment; and
 - (3) The commissary shall meet all applicable requirements of state law and city ordinances.

A fixed location mobile food unit that does not fully meet the requirements of item (1) of subsection (g) above and was first operated under a medallion on or before February 13, 2000, shall be exempt from the requirements of item (1) of subsection (g) above provided that the operation continues under the same ownership and the medallion is continuously renewed without lapse or termination.

If the operator of the unit is not the operator of the food establishment, then the operator shall be required to furnish written proof of permission of the person who operates the food establishment premises to utilize the unit and commissary on the premises. In the event that the permit issued under this article for the food establishment on whose premises the unit and its commissary are situated expires without timely renewal or is revoked or suspended, the unit's medallion shall automatically be suspended until and unless the permit for the food establishment is restored to valid status.

- (i) *Alternatives; waivers.* The director of public health or any assistant or deputy director may authorize alternatives to particular requirements of this section or any other provisions of this article with respect to a mobile food unit. Any authorization shall be considered only upon written request, which shall set forth the provision for which an alternative is sought and the nature of the proposed alternative. Approval for the alternative shall be granted if it is determined that, for the purpose intended, the alternative proposed is at least equivalent to the requirement otherwise specified in this article with respect to safety, sanitation and related purposes. The burden of demonstrating compliance with the foregoing standard shall be upon the requestor. Consistent with the foregoing procedures and standards, the director of public health or any assistant or deputy director may waive any requirement of this article upon demonstration that it has no applicability for the purposes intended herein to the operation of the mobile food unit. An approval issued under this section shall be valid only if issued in writing and shall be limited in scope as provided therein.
- (j) *Enforcement of this article.* Failure by a mobile food unit or a commissary to comply with the requirements set forth in this article or rules promulgated by the health officer shall be unlawful and may result in one or more of the following penalties:
 - (1) Immediate cessation of operations;
 - (2) The suspension or revocation of the mobile food unit's medallion or the food dealer's permit for that commissary pursuant to sections 20-41 and 20-42 of this Code;
 - (3) The issuance of a citation for a class C misdemeanor pursuant to subsection 20-19(c) of this Code for every day of noncompliance;
 - (4) The filing of a criminal charge under § 37.10 of the Texas Penal Code for the offense of Tampering with Governmental Record; and

- (5) The filing of a suit in district court by the city attorney to enjoin a food service establishment from operating without a permit or a medallion if a permit or medallion is required.
- (k) *Additional offense.* It shall be unlawful for an owner, permit holder, person in charge, employee, or representative of any commissary or mobile food unit to remove, disable or otherwise tamper with any electronic technology installed to facilitate or monitor compliance with the requirements of this chapter.

(Ord. No. 99-1346, § 1, 12-15-99; Ord. No. 06-826, §§ 9, 10, 8-9-06; Ord. No. 07-1055, § 1, 9-19-07; Ord. No. 2015-820, § 33, 8-26-2015; Ord. No. 2016-65, §§ 3—8, 1-20-2016)

Baytown Food Truck Ordinance

Sec. 42-153. - Mobile food establishments.

- (a) *Applicability of other sections.* All of the provisions of this article pertaining to food service establishments shall apply to the commissary or other fixed food service establishment from which the food supplies are obtained. Any suspension or revocation of the food service permit for a food service establishment will be cause for suspension or revocation of the permit of any mobile food unit that is supplied or serviced by the establishment.
- (b) *Permit.*
- (1) *Required.* No person shall operate or cause to be operated any mobile food unit that does not possess a valid permit issued by the regulatory authority.
 - (2) *Unit-by-unit.* Any person desiring to operate one or more mobile food units in the city shall obtain an individual permit for each operating mobile food unit from the regulatory authority. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with the provisions of section 42-153 of this Code. The permits shall remain the property of the department.
 - (3) *Display.* A permit shall be affixed by the regulatory authority or his authorized agents on the mobile food unit in a conspicuous place where it can be viewed by patrons.
- (c) *Application.*
- (1) Application for a permit shall be made on forms provided by the regulatory authority. The application shall include, but not limited to, the applicant's full name and post office address and street address and email address; the address of the location at which the mobile food unit is stationed when not in use; the business name and address of the commissary or other fixed food service establishment from which potentially hazardous food supplies are obtained; the address of the servicing area; a description of the mobile food unit that includes the manufacturer's make, model, and serial number, the vehicle's state registration number, and the signature of the applicant. All other information deemed necessary by the regulatory authority.
 - (2) Submission of plans. Prior to the issuance of a permit , the operator of a mobile food unit, other than a restricted operations mobile food unit, shall provide the following to the department:
 - a. A written standard operating procedure for each mobile food unit that must include provisions for:
 1. Food unit's waste water disposal site and process; and
 2. Other servicing operations details; and
 - b. Two sets of drawings that must clearly specify and address the proposed layout, surface finish schedule, arrangement and construction material of the mobile food unit, and that must include, without limitation, the proposed layout, arrangement and sizes of plumbing fixtures and connections.

The provisions of this subsection (c)(2) shall not be applicable to permit renewal, provided that the applicant certifies in writing to the regulatory authority that the procedures and plans previously provided to the department pursuant to this subsection are still valid and have not changed.
 - (3) *Locations of operation.* Prior to the issuance of any permit, the operator of a mobile food unit, other than a restricted operations mobile food unit, shall submit to the department a list of locations where the mobile food unit will be in operation. No mobile unit may operate on public rights-of-way or public property without the prior written consent of the city unless operating on property within the ACE zoning district designated by the city for use by mobile food units. No mobile unit may operate for more than two hours at any location other than city-designated mobile food unit areas within the ACE zoning district of the City of Baytown. The operator shall also give written notice at least two business days prior to beginning operations at or relocating operations to any location not currently included on the list of active locations submitted to the department.

- (4) *Operation on private property.* Prior to the issuance of a permit, the operator of a mobile food unit, other than a restricted operations mobile food unit, that will be operated on private property shall submit to the department proof of the applicant's ownership of the property or a signed and notarized written statement from the owner of the property granting permission for operation of the mobile food unit at the proposed location. Such written statement must include the following:
- a. The name, address, email and telephone number of the property owner or authorized agent;
or
 - b. If the property owner is a partnership or corporation, the name, address, email and telephone number of one of the partners or officers.

A copy of the statement shall be displayed in the mobile food unit in a conspicuous place in plain view of the public at all times. The operator of a mobile food unit shall immediately cease operations and remove the mobile food unit from the property upon receipt of a notice of a violation of this subsection.

- (5) *Access to toilets.* Prior to the issuance of a permit, the operator of a mobile food unit, other than a restricted operations mobile food unit, to be operated on private property shall submit to the department proof of availability of restrooms with flushable toilets for the use of the mobile food unit employees. Such restrooms must be located in a business establishment within 150 feet of each location where the mobile food unit will be in operation. Proof of availability of adequate facilities shall be in the form of a written statement from the owner or authorized agent, which must include the following:

- a. The name, address, email and telephone number of:
 1. Property owner or authorized agent; or
 2. If the property owner is a partnership or corporation, one of the partners or officers.
- b. The type of business and hours of operation during which the restrooms will be available to the applicant.

A copy of the statement shall be displayed in the mobile food unit in a conspicuous place in plain view of the public at all times. The operator of a mobile food unit shall immediately cease operations and remove the mobile food unit from the property upon receipt of a notice of a violation of this subsection.

- (d) *General regulations.* All mobile food units and restricted operations mobile food units shall comply with all applicable laws, including the requirements of this article, except as otherwise provided in this section. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of mobile food units and may prohibit the sale of potentially hazardous foods. The provisions of this section shall be enforceable by the regulatory authority and police chief.

- (1) *Registration.* Mobile food establishments must comply with all state and local laws pertaining to registration of the vehicle.
- (2) *Pushcarts.* Pushcarts shall be limited to pre-packaged ice cream or pre-packaged non-potentially hazardous food as approved by the regulatory authority.
- (3) *Foods prepared in home.* Food prepared in a private home may not be used or offered for human consumption from a mobile food establishment. Food must comply with all labeling laws.
- (4) *Signage.* Every mobile food unit must be readily identifiable by business name, printed, permanently affixed, and prominently displayed upon at least two sides of the units, in letters not less than three inches in height.
- (5) *Mobility.* A mobile food unit must demonstrate mobility at any reasonable time if requested by the regulatory authority or police chief.
- (6) *Use of LP-gas.* The operator of a mobile food unit, with which LP-gas is used to cook or prepare food, shall obtain written approval from the fire department for the use of LP-gas and LP-gas

equipment for each mobile food unit and shall make the written approval available for inspection and/or copying upon the request of the regulatory authority, police chief or fire chief.

- (7) *Certified food manager certification.* The operator of a mobile food unit must have and post in a conspicuous place in plain view of the public at all times a current food manager certificate.
- (8) *Sanitation.* In addition to complying with the requirements of this section, all mobile food units shall comply with the following items of sanitation:
 - a. *Single-service articles.* Mobile food units shall provide only single-service articles for use by the consumer.
 - b. *Manual warewashing.* A mobile food unit must have at least a three-compartment sink as required in the TFER.
 - c. *Handwash sink.* A mobile food unit shall have at least one hand washing sink and the sink shall be convenient for use by employees and properly provisioned as required in the TFER.
 - d. *Water systems.* A mobile food unit, other than a restricted operations mobile food unit, shall have a potable water system under pressure. All water used in connection with the mobile food unit shall be from sources approved by the health officer. The water system shall include a potable water tank of not less than 30 gallons capacity for conventional mobile food units. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitization, and hand-washing, in accordance with the requirements of this article. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing and potable water tanks shall be constructed of materials meeting standards established by an American National Standards Institute (ANSI) or other approved accredited certification program and installed according to the requirements of this article. Connection to a water system at an operational location is prohibited. The water system shall comply with the following additional items:
 1. *Tank design and construction.* A mobile food unit's water tank shall be enclosed from the filling inlet to the discharge outlet and sloped to an outlet that allows complete drainage of the tank.
 2. *Tank inspection and cleaning port, protected and secured.* If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:
 - A. Flanged upward at least 13 mm (one-half inch);
 - B. Equipped with a port cover assembly that is provided with a gasket and a device for securing the cover in place; and
 - C. Flanged to overlap the opening and sloped to drain.
 3. *"V" type threads, use limitation.* A fitting with "V" type threads on water tank inlets or outlets shall be allowed only when a hose is permanently attached.
 4. *Tank vent, protected.* If provided, a water tank vent shall terminate in a downward direction and shall be covered with:
 - A. A screen of 16 mesh to one inch or equivalent when the vent is in a protected area; or
 - B. A protective filter when the vent is in an area that is not protected from windblown dirt and debris.
 5. *Protective cover or device.* A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall be provided for each water inlet, outlet, and hose.

- e. *Mobile food establishment water tanks, when required.* Materials that are used in the construction of a mobile food unit water tank and appurtenances shall be safe, durable, corrosion-resistant, and nonabsorbent, and finished to have an easily cleanable surface.
 - 1. *Tank hose, construction and identification.* A hose used for conveying drinking water from a water tank shall be safe; durable, corrosion-resistant, and nonabsorbent; resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition; finished with a smooth interior surface; and clearly and durably identified as to its use if not permanently attached.
 - 2. *Tank filter, compressed air.* A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and the drinking water system when compressed air is used to pressurize the water tank system.
 - 3. *Mobile food unit tank inlet.* A mobile food unit water tank inlet shall be 19.1 mm (three-fourths inch) in inner diameter or less and provided with a hose connection of the size or type that will prevent its use for any other service.
 - 4. *Operation and maintenance system flushing.* A water tank, pump, and hoses shall be flushed and sanitized at an approved commissary before being placed in service after construction, repair, modification, and periods of nonuse.
 - 5. *Using a pump and hoses; backflow prevention.* An individual shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.
 - 6. *Protecting inlets, outlets, and hose fittings.* If not in use, a water tank and hose inlet and outlet fittings shall be protected using a cover or device as specified in subsection g. below.
 - 7. *Tank, pump, and hoses; dedication.* A water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose. Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.
 - f. *Waste retention.* If liquid waste results from operation of a mobile food unit, it shall be stored in permanently installed vented retention tanks that are at least 15 percent larger than the water supply tank. A mobile food unit waste retention tank shall be sloped to an outlet that allows complete drainage of the tank during servicing operations. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion or at an operational location. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the food unit. The waste connection shall be located below the water connection to preclude contamination of the potable water system. Connection to a sewerage system at an operational location is prohibited.
 - g. *Garbage and refuse.* A mobile food unit shall have adequate and department-approved garbage and refuse storage facilities for the operator's use and shall have garbage and refuse storage facilities attached to the exterior of the mobile food unit that are insect and rodent-proof for customers' use.
- (9) *Damage report.* Any accident involving a mobile food unit shall be reported within 24 hours of the time the accident occurred if the accident results in damage to the water system, waste retention tank, food service equipment, or any facility that may result in the contamination of the food being carried or any damage that results in a violation of this section. Reports shall be made by the holder of the mobile food unit permit.
- (10) *Operation capacity limited.* The operator of a mobile food unit shall prepare, serve, store and display food and beverages on or in the mobile food unit itself and shall not attach, set up or use any other device or equipment intended to increase selling, serving, storage, or display capacity of the mobile food unit. It shall be unlawful for the operator of a mobile food unit to:

- a. Allow items, including, but not limited to, brooms, mops, hoses, equipment, containers and boxes or cartons, to remain adjacent to or beneath the mobile food unit;
 - b. Provide or allow any sign or banner to remain that is not attached to and solely supported by the mobile food unit;
 - c. Provide or allow any canopy, awning or other covering that is not attached to and solely supported by the mobile food unit to remain over any part of the mobile food unit or over any area within 100 feet of the mobile food unit, except that any awning or covering provided by others and primarily used for other purposes and only incidentally or coincidentally used by the mobile food unit shall not be considered a violation of this subsection;
 - d. Provide or allow any portable toilet facility within 100 feet of the mobile food unit; or
 - e. Provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, within 100 feet of the mobile food unit. Dining areas or seating areas where the seating is provided by someone other than the mobile food unit operator and only incidentally or coincidentally used by the patrons of the mobile food unit are acceptable if approved by the regulatory authority.
- (11) *Utility connections.* Utility connections for electric, water, sewerage and gas are prohibited.
- (12) *Exterior surfaces.* Exterior surfaces of mobile food units shall be of weather-resistant materials and shall comply with all applicable laws.
- (13) *Overnight parking prohibited.* All mobile food establishments shall move and vacate the premises of the business location on a daily basis; overnight parking at the business location is prohibited. At the end of each business day, the mobile food establishment shall return to the commissary or other service location as approved by the regulatory authority.
- (14) *Operation from a commissary required.* Mobile food establishments shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations. A letter from the commissary is required at the time of permit application and at each renewal of the permit.
- (e) *Commissaries.*
- (1) *Servicing by commissaries.* Mobile food units, other than restricted service mobile food units, shall operate from a commissary approved by the regulatory authority and shall report to such location for supplies, cleaning, and servicing within the 24-hour period preceding operations.
 - (2) *Servicing records.*
 - a. *Required.* It shall be unlawful for an operator of a mobile food unit, other than a restricted service mobile food unit, to be in operation without a valid servicing record in their possession.
 - b. *Servicing records to be kept by mobile food unit operators.* The operator of a mobile food unit, other than a restricted operations mobile food unit, shall keep and maintain servicing records on the mobile food unit for a period of one year from the date of servicing. The servicing records must be immediately available to the regulatory authority or police chief for inspection and copy at the mobile food unit during the mobile food unit's hours of operation.
 - c. *Servicing records to be kept by commissaries.* The commissary from which a mobile food unit operates shall issue and maintain servicing records for each mobile food unit in a manner and form prescribed by the regulatory authority. The permit holder, person in charge, employee, or representative of any commissary shall keep and maintain servicing records at the commissary for a period of two years from the date of servicing or until retrieved by the regulatory authority, whichever comes first. Servicing records maintained at the commissary shall be immediately available to the regulatory authority or police chief for inspection and copying during normal business hours.

- d. *Falsification of servicing records.* It shall be unlawful for an owner, permit holder, person in charge, employee, or representative of any commissary to issue a servicing record without first verifying that the mobile unit has complied with all servicing requirements. It shall be unlawful for any owner, permit holder, person in charge, employee, or representative of any commissary or mobile food unit to knowingly present or issue any false, fraudulent, or untruthful servicing record for the purpose of demonstrating compliance with subsection (e)(2).
 - e. *Maintenance of servicing records.* The regulatory authority may promulgate rules and procedures regarding maintenance of the servicing records by the commissaries and mobile food units. The regulatory authority may require the use of electronic or other technology to facilitate or monitor compliance with the requirements of this article.
- (3) *Permitting of commissaries as food establishments.* A commissary servicing any mobile food unit, other than a restricted service mobile food unit shall be, an approved and permitted food establishment at which the mobile food unit is supplied with fresh water, emptied of waste water into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the mobile food unit utensil-washing sink. A commissary shall acquire and maintain a valid food service permit and meet all requirements of this article including, but not limited to:
- a. Maintenance of proper structures.
 - 1. *General.*
 - A. Food establishments and all parts of the property used in connection with operations of the establishments shall be kept free of litter and items that are unnecessary to the operation or maintenance of the establishment, such as equipment that is nonfunctional or no longer in use.
 - B. The walking and driving surfaces of all exterior areas of food service establishments shall be surfaced with concrete or asphalt or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust. These surfaces shall be graded to prevent pooling and kept free of litter.
 - C. Equipment and utensils not in current use shall be stored in a clean and sanitary condition or removed from the premises.
 - D. The traffic of unnecessary persons through the food preparation and utensil-washing areas is prohibited.
 - E. Employees and other persons such as delivery and maintenance persons entering the food preparation, food storage, and ware washing areas shall comply with food safety rules.
 - F. Exterior surfaces of buildings and mobile food units shall be of weather-resistant materials and shall comply with applicable laws.
 - G. The physical facilities shall be maintained in good repair.
 - 2. *Living areas.* No operation of a food service establishment shall be conducted in a private home that does not meet all applicable requirements of this article, or in any room used as living or sleeping quarters. Food service operations shall be completely separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
 - 3. *Laundry facilities.*
 - A. Laundry facilities in a food service establishment shall be restricted to the washing and drying of linens, cloths, uniforms and aprons necessary to the operation of the food service establishment. If the items are laundered on the premises, an electric, gas, or steam dryer shall be provided and used.

- B. Separate rooms shall be provided for laundry facilities except that laundry operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.
 - C. If on-premises laundering is limited to wiping cloths intended to be used moist, or if wiping cloths are air dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, single-use articles, single-service articles, and wiping cloths, then a mechanical clothes washer and dryer need not be provided.
4. *Linens and clothes storage.*
- A. Clean linens shall be stored in a clean place and protected from contamination until used.
 - B. Soiled linens shall be stored in nonabsorbent containers or washable laundry bags until removed for laundering.
5. *Cleaning equipment storage.* Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, single-use articles, single-service articles or linens and shall be stored in an orderly manner to facilitate the cleaning of the storage location. After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.
6. *Prohibiting animals.*
- A. Except as specified in subsection (e)(3)a.6.B., live animals may not be allowed on the premises of a food service establishment.
 - B. Live animals may be allowed in the following situations if the contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result:
 - i. Edible fish or decorative fish in aquariums, shell fish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
 - ii. Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
 - iii. In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the individual with a disability, or service animals in training when accompanied by an approved trainer, if a health or safety hazard will not result from the presence or activities of the service animal;
 - iv. Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:
 - [a] Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;
 - [b] Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and
 - [c] Dining areas including tables, counter tops, and similar surfaces are effectively cleaned before the next meal service; and
 - v. In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.

- C. Live or dead fish bait may be stored if contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result.
 - b. Issuance and maintenance of servicing records and maintenance of equipment pursuant to this section; and
 - c. Compliance with all other applicable rules and operational guidelines as may be promulgated by the regulatory authority.
- (4) *Private residences.* Use of a private residence as a commissary is prohibited.
- (5) *Commissary servicing area and operations.*
 - a. An enclosed service building separated from commissary operations shall be provided for supplying and maintaining mobile food units. The servicing area shall be at a location approved by the regulatory authority and constructed and operated in compliance with the requirements of this article. Fixed location mobile food units authorized under this article shall be stored in the servicing area except while in operation for food service and during transport to and from the service building.
 - b. Servicing operations.
 - 1. Potable water-servicing equipment shall be stored and handled in a way that protects the water and equipment from contamination.
 - 2. The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal system. The flushing and draining area for liquid wastes shall be separate from the area used for loading and unloading of food and related supplies.
 - 3. Vehicle cleaning and in-place cleaning of nonfood-contact surfaces of equipment not requiring sanitization shall be done with potable water and shall be done in a manner that will not contaminate the vehicle's food storage or food preparation areas or equipment. If hoses are used in the cleaning process, they shall be food-grade and kept off the floor or pavement, on racks or by other approved suitable means, and the system shall meet the following requirements:
 - A. *General.* Plumbing shall be sized, installed, and maintained according to applicable laws. There shall be no cross-connection between the potable water supply and any nonpotable or questionable water supply or any source of pollution through which the potable water supply might become contaminated.
 - B. *Nonpotable water system.* A nonpotable water system is permitted only for purposes such as air conditioning and fire protection and only if the system is installed according to all applicable laws and the nonpotable water does not contact, directly or indirectly, food, potable water, equipment that contacts food, or utensils. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.
 - C. *Backflow.* An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch). A backflow or backsiphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (ASSE) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device. A backflow prevention device shall be located so that it can be serviced and maintained. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

- i. *Backflow prevention device, when required.* A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food establishment, including on a hose bib if a hose is attached or on a hose bib if a hose is not attached and backflow prevention is required by law by:
 - [a] Providing an air gap as specified in the introductory paragraph of this subsection; or
 - [b] Installing an approved backflow prevention device as specified in the introductory paragraph of this subsection.
- ii. *Backflow prevention device, carbonator.*
 - [a] If not provided with an air gap as specified in the introductory paragraph of this subsection, a double check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (100 mesh to one inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.
 - [b] A single or double check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified in the introductory paragraph of this subsection.

- D. *Grease traps.* Grease traps shall be located to be easily accessible for cleaning, operation, and maintenance. Grease traps shall be of a type and in a location approved by the regulatory authority and outside the establishment.
- E. *Garbage grinders.* If used, garbage grinders shall be installed and maintained according to all applicable laws.
- F. *Drains.* Except for existing properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed.
- G. *Other liquid wastes and rainwater.* Condensate drainage and other nonsewage liquids and rainwater shall be drained from point of discharge to disposal according to law.

All cleaning areas shall be paved with a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt, which is sloped to drain toward an approved catch basin or floor drain where the liquid waste can be disposed of in a sanitary sewage disposal system.

- 4. The use of liquid waste transport vehicles, otherwise known as vacuum trucks, for the removal and disposal of liquid waste resulting from mobile food unit operations is prohibited.
- 5. Servicing operations may be performed by the commissary operator or by the mobile food unit operator. It shall be the commissary operator's responsibility to observe or perform servicing on each mobile food unit and properly complete a servicing record as prescribed by the regulatory authority. It is the responsibility of the mobile food unit operator to confirm that the requirements of this section are fulfilled prior to resuming operations.

- (f) *Compliance; approval of regulatory authority.* The commissary or other fixed food service establishment, used as a base of operation for mobile food establishments, shall be constructed and operated in compliance with the requirements of this article and the regulatory authority.

- (g) *Enforcement.* Failure by a mobile food unit or a commissary to comply with the requirements set forth in this article or rules promulgated by the regulatory authority shall be unlawful and may result in one or more of the following penalties:
- (1) Immediate cessation of operations;
 - (2) The suspension or revocation of the mobile food unit's permit or the food dealer's permit for that commissary pursuant to sections 42-185 and 42-186 of this Code;
 - (3) Criminal penalties punishable upon conviction as provided in section 1-14; and
 - (4) The filing of a suit in district court by the city attorney to enjoin a food service establishment from operating without a permit or a permit if a permit or permit is required.
- (h) *Additional offense.* It shall be unlawful for an owner, permit holder, person in charge, employee, or representative of any commissary or mobile food unit to remove, disable or otherwise tamper with any electronic technology installed to facilitate or monitor compliance with the requirements of this chapter.

(Ord. No. 9380, § 2, 7-11-02; [Ord. No. 13,028](#), § 2, 11-16-15)