

CITY OF SEGUIN

ORDINANCE NO. \_\_\_\_\_

STATE OF TEXAS

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 22- BUSINESSES, ADDING ARTICLE X, FOOD TRUCKS; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Seguin City Council desires to provide its residents and visitors with a variety of dining options by allowing food trucks to operate in Seguin; and

**WHEREAS**, the Seguin City Council desires to establish regulations that will allow food trucks to operate within the city limits of Seguin in an orderly, safe and healthful manner; and

**WHEREAS**

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Seguin, Texas

**PART ONE.** Chapter 22- Businesses, of the Seguin Code of Ordinances is hereby amended as follows by adding a new Article X to read as follows:

**Article X. Food Trucks.**

**Sec. 22-600. - Definitions.**

- 1) Food Truck- a self-propelled vehicle that is readily mobile with no permanent fixed location, the vendor of which prepares all or most of its food on board the vehicle to serve or distribute to customers in a form suitable for immediate ingestion or consumption
- 2) Food Truck Park- an area on private property designated to accommodate two or more food trucks.

**Sec. 22-601. - License.**

- (a) Every food truck that conducts business within the Seguin city limits shall obtain an annual license.
- (b) An application for a license as required under this article shall be filed with the Planning & Codes Department and shall contain such information as the city may require. A license fee, as established by the city council and set forth in appendix C to this Code, shall accompany every application submitted.
- (c) Licenses for food trucks shall be valid for one year after the date of issuance.
- (d) The license shall be displayed on the food truck at all times in a conspicuous place where it can be readily viewed by the general public.

### **Section 22-602. Zoning and location restrictions.**

- (a) Food trucks conducting business on private property shall not:
  - (1) Be parked on any property zoned for or occupied by a single-family or two-family residence (a duplex).
  - (2) Be parked on a property without the permission of the property owner. Food trucks must comply if asked to leave by the property owner.
- (b) Food trucks conducting business from public streets shall not
  - (1) Be parked on any public street designated as a no parking zone.
  - (2) Be parked on a public street fronting any property zoned for or occupied by a one-family or two-family residence.
- (c) No more than one food truck is allowed to operate on any lot at any given time unless located within an approved Food Truck Park. The regulations for Food Truck Parks are located in the Seguin Unified Development Code.

### **Section 22-603. Duration of stay.**

- (a) Food trucks operating on private property shall not be parked on the property for a duration exceeding ten hours per location per day.
- (b) Food trucks operating from public streets shall not be parked in one location for a duration exceeding ten hours per location per day.
- (c) No food truck shall operate between the hours of 1:00 a.m. and 6:00 a.m.

### **Section 22-604. Other requirements.**

- (a) The food choices for Food Trucks shall be limited to those that can be served or prepared in compliance with the Texas Food Establishment Rules adopted by the city.
- (b) Food trucks shall not serve alcoholic beverages.
- (c) Each Food Truck shall be equipped with a portable trash receptacle placed near the unit, and shall be responsible for proper disposal of solid waste. All disturbed areas must be cleaned following each stop to a minimum of 25 feet from the sales location. Liquid spills near the unit shall be properly cleaned following each stop.
- (d) The company name shall be displayed on at least two sides of the food truck.
- (e) Food trucks shall not be parked overnight in any area of the city zoned for or occupied by a one-family or two-family residence.

### **Section 22-605. Texas Food Establishment Rules.**

Food trucks must comply with all regulations that pertain to Mobile Food Units as set forth in the Department of State Health Services' Texas Food Establishment Rules.

**PART TWO.** Appendix C- Fee Schedule, Chapter 22- Businesses, Article X- Food Trucks is added to the Seguin Code of Ordinances as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

**Article X. Food Trucks**

Annual License      \$200.00

**PART THREE.** Chapter 98- Traffic and Vehicles, Article V.- Stopping, Standing, and Parking, Section 98-105- Limited Time Parking, of the Seguin Code of Ordinances is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

(a) It shall unlawful for any person to park any vehicle in any space or area where parking is prohibited pursuant to section 98-91 or 98-105, or to permit any vehicle owned or operated by him to be parked or remain in any space or area for a longer period of time than that designated by the markings or signs erected pursuant to section 98-91 or as established in section 98-105. It shall further be unlawful for any person to attempt to circumvent the two-hour parking time limit by rolling tires or moving vehicles to a different parking space.

(b) In a prosecution for an offense committed under this article, it is presumed that the registered owner of the vehicle is the person who stopped, stood or parked the vehicle at the time and place the offense occurred.

(c) To aid in enforcement of this section, an employee designated by the city is authorized to immobilize a vehicle and to remove any such immobilized vehicle from a public roadway in the city.

(d) Parking fines not paid, or set for hearing with the Seguin Municipal Court, within 60 days of the date of issuance shall be doubled. The City may enforce collection of parking fines through Omnibase.

(e) For limited time parking, each block of time that a vehicle remains parked is a separate offense.

(f) Two hour restricted parking shall not apply to licensed food trucks operating in compliance with the Seguin Code of Ordinances, Chapter 22, Article X.

**PART FOUR.** If any word, phrase, clause, sentence, or paragraph of this ordinance or the Unified Development Code is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance or the Unified Development Code will continue in force if they can be given effect without the invalid portion.

**PART FIVE.** All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**PART SIX.** This ordinance shall be prepared for submission as a supplement to the Code of Ordinances.

**PART SEVEN.** This ordinance shall be effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

**PASSED AND APPROVED** on the first reading this 21<sup>st</sup> day of February, 2017

**PASSED AND APPROVED AND ADOPTED** on the second reading this 7th day of March, 2017.

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DON KEIL  
Mayor

ATTEST:

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Naomi Manski  
City Secretary