



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** April 26, 2021

SUBJECT: Consider Ordinance No. 3689 amending Chapter 18, Article IV, of the City of North Richland Hills Code of Ordinances by adding a new Division 6 modifying the rules and regulations for Mobile Food Vendors, and amending Appendix A, Fee Schedule to establish an annual Mobile Food Unit permit fee.

PRESENTER: Stefanie Martinez, Director of Neighborhood Services

SUMMARY:

The Neighborhood Services Department is proposing changes to the Mobile Food Ordinance to address concerns that were precipitated by partial closures and/or limited capacity for occupancy for businesses caused by the COVID-19 pandemic. Although the occupancy limitations have since been lifted, several businesses and food truck operators continue to contact Neighborhood Services to obtain permits to vend within our city more frequently than the current occasional special event process allows. Many businesses view the option of mobile vending as an opportunity to recoup financial losses caused by the prior occupancy restrictions. Staff now recommends that City Council consider adding a new division to the Mobile Food Unit Ordinance that contains a sunset provision. This approach allows time for implementation of the new requirements, and at the same time provides an opportunity for review and reconsideration of the new ordinance prior to the end of the 2 year period.

The proposed new ordinance would allow food trucks to operate more frequently without compromising safety standards. A new ordinance and section of the code is being proposed because the current food ordinance regarding mobile food vending references many other sections of the North Richland Hills Code of Ordinances. The adoption of a new ordinance and section of the code with a sunset provision would implement the proposed changes to food truck operations within the city while specifying that the other sections of the city's ordinances and code that are not modified by the new ordinance, will remain in effect. The most significant change in the proposed ordinance is to allow mobile food units to operate throughout the city under an annual permit and inspection, as opposed to requiring a permit and inspection at each separate event and location as is the current requirement. The issuance of an annual permit would be contingent on the vendor passing annual inspections by Consumer Health staff and the Fire Department.

GENERAL DESCRIPTION:

The proposed changes in the attached ordinance include:



- Allow for annual inspection and permit of mobile food units;
- Revise the current definition of Mobile Food Unit;
- Clarify the definition of Temporary Food Establishment;
- Establish specific timeframes during which mobile food units may operate;
- Establish specific locations where mobile food units may operate;
- Authorize only one mobile food unit per property unless operating under a City issued Special Event Permit or no less than 300 feet from another mobile food unit;
- Establish a permission form to be utilized and completed by the property owner as well as the operator of the mobile food unit;
- Limit the types of foods to be prepared on the mobile food unit;
- Require vendor access to restroom facilities at the vending location;
- Require certain equipment to be provided by the mobile food unit;
- Create a sunset review timeframe from May 1, 2021 until April 30, 2023 to re-evaluate the ordinance changes;
- Establish a \$250.00 annual fee to operate a Mobile Food Unit within the City of North Richland Hills in Appendix A, Fee Schedule, Chapter 18 of the City of North Richland Hills Code of Ordinances.

RECOMMENDATION:

Approve Ordinance 3689.