

ORDINANCE NO. 919-21

AN ORDINANCE AMENDING ARTICLE 4.04 OF THE CITY  
OF PITTSBURG CODE OF ORDINANCES AND ESTABLISHING  
REGULATIONS FOR MOBILE FOOD UNITS

WHEREAS, on this date the City Council for the City of Pittsburg considered amending Article 4.04 of the City of Pittsburg Code of Ordinances, and particularly establishing regulations for Mobile Food Units, also known as Food Trucks, that are operating in the City of Pittsburg; and

WHEREAS, the City Council is of the opinion that regulations should be established for mobile food units, also known as food trucks, operating in the City of Pittsburg;

IT IS THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
PITTSBURG AS FOLLOWS:

Section 1. That Division 3 be added to Article 4.04 of the City of Pittsburg Code of Ordinances, as follows:

**ARTICLE 4.04 DIVISION 3 MOBILE FOOD UNIT**

**Sec. 4.04.0041 Texas Food Establishment Rules adopted**

The City by reference the provisions of the rules found in 25 Tex. Administrative code, §§ 228.221 through §§228.222 229.173 regarding the regulation of Mobile Food Units and Temporary Retail Food Establishments in this jurisdiction, as said rules currently exist and as the Texas Board of Health may hereafter amend them. Said rules are incorporated into this chapter and, for all purposes, made a part hereof.

**Sec. 4.04.0042 Conflicts**

In the event of any conflict between the provisions adopted in division (A) of this section and the other provisions of this chapter, the other provisions shall prevail.

**Sec. 4.04.0043 Definitions**

- (a) **Produce Stands:** Requires a Peddlers Permit from the City of Pittsburg Police Dept. Can only sell whole or uncut produce. The Produce Stand must be open-air and have written permission from the property owner. Cannot bloc flow or line of sight for traffic.
- (b) **Food Handler:** A food handler is a person with any job requiring handling unpackaged foods or beverages. All food handlers must use proper hygiene and sanitation methods when working with a food service establishment. All food handlers must obtain and maintain a Food Handler Certificate from a state-approved source. The certificate earned in this course must be available for inspection by a regulatory authority.
- (c) **Food Handler Certificate:** A certification course of study that the Texas Department has approved of State Health Services that identifies knowledge a food handler should possess to work with a food service establishment.
- (d) **Food Manager Certificate:** A certification course of study approved by the Texas Department of State Health Services that includes the overall training content a person must apply to be in charge of a food service establishment. At least one person must have a Food Manager Certificate per food establishment.

## **Sec. 4.04.0044 Mobile Food Unit Requirements**

### **(a) Mobile Food Units:**

1. Mobile Food Unit (MFU), a vehicle-mounted, self or otherwise propelled, self-contained food service operation designed to be readily movable (including catering truck, trailers), including catering trucks, trailers, and used to store, prepare, display, serve or sell food.
2. MFU sells consumable items to the public from a location not issued a Certificate of Occupancy (CO) by the City of Pittsburg.
3. An MFU must completely retain its mobility at all times.
4. An MFU does not include a stand or a booth.

### **(b) Stands or Booths**

Are not vehicle-mounted, Stands or Booths are only allowed inside the City of Pittsburg to sell to the public in conjunction with a permitted public or private event. Exceptions are if the Stand or Booth has special approval by the City Manager, is hosted by the City or Chamber, or is a Produce Stand.

### **(c) Application For Permit**

Any person desiring to operate as a Mobile Food Unit inside the City of Pittsburg must apply for an Annual or Temporary Retail Food Establishment Permit from the City of Pittsburg and pay the permit fee (see fee schedule). Failure to provide all information requested on the application will result in denial or revocation of the permit.

1. Must meet all of the State-required permits and licensing. If any state-required permit or licensing is invalidated for any reason, so must the City of Pittsburg permit be revoked. All Mobile Food Units must have (Title 25/Chapter 228 Sub-chapter 8/Rule 228.221)
  - a. valid vehicle registration
  - b. proof of vehicle liability insurance
  - c. Texas Sales Tax Permit
  - d. Current Certified Food Manager Certificate
  - e. The unit has a current State Health/Food inspection permit
2. The location must meet requirements
3. Mobile Food Units must provide the City with a copy of written permission from the property owner that allows the operation of a Mobile Food Unit and enables the Mobile Food Unit employees and their customer's access to a commercially plumbed public restroom on-site.

(Service Area Authorization-Title 25/Part 1/Chapter 228 Sub-Chapter 8/Rule 228.221; toilet rooms shall be conveniently located and accessible to employees during all hours of operation.)

**(d) Location**

- (1) All Mobile Food Units must be located on a parcel, which is zoned for commercial usage. The Main Street Overlay is not eligible.
- (2) Mobile Food Units must be located on an individual private parcel, where an existing permanent business operates in a building with a certificate of occupancy.
- (3) No Mobile Food Units will be located on a vacant lot.
- (4) A Mobile Food Unit must provide the City with a copy of a site plan depicting the location of the Mobile Food Unit on the property.
- (5) Mobile Food Units must be located within 500 feet of an entrance of the primary building that holds the certificate of occupancy.
- (6) Mobile Food Units must not operate in driveways or fire lanes.
- (7) No Mobile Food Units, their merchandise, advertising, or seating must not obscure traffic sight visibility.
- (8) Mobile Food Units, including any applicable seating, not to exceed the capacity of 4 tables, may operate in parking spaces if the required parking for the center remains in compliance with the parking requirements contained in the City of Pittsburg Code of Ordinances. (Title 25/Part 1/Chapter 228 Sub-chapter 8/Rule 228.221)
- (9) All parts of a Mobile Food Unit, including any applicable seating, not to exceed the capacity of 4 tables, must be on an improved hard surface defined as concrete or asphalt. (Title 25/Part I/Chapter 228 Sub-chapter 8/Rule 228.221)
- (10) Mobile Food Units must be removed from the parcel daily and may only operate during the business hours of the primary business and may not be parked longer than twelve (12) hours. An exception to this requirement is if the Mobile Food Unit is owned and operated by the primary business where it is parked.
- (11) A Mobile Food Unit owned by the property owner must remove the Mobile Food Unit if not in use for 30 days or more.
- (12) No Mobile Food Units operating under this regulation will be allowed to sell or service food on any public street, sidewalk, public park, or public right-of-way unless approved in writing by the City of Pittsburg.
- (13) Any non-permitted food truck/trailer needs to be removed from public view immediately.
- (14) Any permitted truck not in use for 30 days needs to be moved.

**(e) Operation Requirements**

- (1) Must have a menu of all food items to be sold. (Title 25/Part I/Chapter 228 Subchapter 8/Rule 228.221)
- (2) Mobile Food Units must be equipped with a self-closing lidded trash receptacle. The trash receptacle must be placed outside next to the Mobile Food Unit used by the patrons. The area around the Mobile Food Unit must be kept clean and free from litter, garbage, and debris.
- (3) Temporary connections to electricity must go to a generator or an electrical outlet via a portable cord in conformance with the Electrical Code as adopted by the City of Pittsburg.

- (4) Temporary hook-up to a water source is allowed with written permission for access and only if a backflow prevention assembly is present as required by the City of Pittsburg Cross Connection Ordinance, or water must be supplied by a holding tank.
- (5) Both employees and patrons must have a convenient place to wash their hands.
- (6) If liquid waste results from the operation of an MFU, the waste must be stored in a permanently installed retention tank for waste retention.
- (7) Discharge liquid waste must not be discharged from the retention tank while the MFU is in public use.
- (8) Flushing a waste retention tank must meet the requirements of State Food Code, §5-402.15
- (9) Removing MFU wastes must meet the requirements of State Food Code, §5-402.14.
- (10) All grease-producing cooking equipment in the food unit must have a Type I hood with an Ansel system with an appropriate grease trap and current inspection.
- (11) All food units utilizing oil/grease fryers must have a Class K fire extinguisher; if no grease or fryers are on the food unit, a 2A-10BC fire extinguisher is required.
- (12) Portable stoves, grills, or equivalents are prohibited.
- (13) The City of Pittsburg Permit, the Unit State Health Food permit, and the Food Manager Certificates must be displayed in a visible location.

**(f) Penalty**

Any person, firm, association of persons, corporation, and every other organization violating the provisions of this article must be guilty of a misdemeanor and upon conviction must be fined as provided for in the general penalty provision found in section 1.01.009 of this code. (1999 Code, art. 7.200(c)).

**(g) Renewal of Permit License**

Licenses may be renewed, provided an application for renewal and license fee as required under the current fee schedule are received by the City no later than the expiration date of the current license. Any application received after that date shall be processed as a new application.

**(h) Permit License Fee**

Before any license is issued, the applicant shall pay the City a fee, as provided for in the fee schedule in appendix A of this code, which shall be compensated to the City for the services required by this article and to enable the City to partially defray the expense of administering and enforcing the provisions of this article.

PASSED AND APPROVED on first reading on October 4, 2021.

PASSED AND APPROVED on second reading on November 8, 2021.

APPROVED:

  
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David Abernathy, Mayor

ATTEST:

  
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Stacy Dorsett, City Secretary