



## **MOBILE FOOD UNITS ORDINANCE UPDATE**

**Health Services Division**

# PURPOSE



- **Simplify Code**

- Council direction to improve current regulations, such as time restrictions (currently requires mobile vendors to be moved 10 minutes after last customer).
- The revised code will be more concise, less restrictive, and better aligned with state regulations, making it easier to enforce and follow.

- **Comply with the State Law and update definitions**

- **Increase in Mobile Food Units**

- These changes will lead to an increase in the number of mobile food units operating within our city, driven by feedback and requests from local businesses, mobile food operators, City staff, and the community.



# RECENT HISTORY

## 2011 - Current ordinance was passed

- There are restrictions that go beyond the health and safety code to limit the ability of operators to remain stationary when sales are not taking place.
- It excludes types of mobile food units such as food trailers.

## 2020 - Council Workshop Food Trucks

- Food truck park language was introduced in the UDC.
- Food Trucks in the Parks Program was created.
- Wanted greater flexibility for food trucks to be more stationary. Changes yet to be made.

## 2023 - Changes to Texas Law

- The legislature passed two bills that have a direct impact



# STATE LAW REQUIREMENTS



## Health and Safety Code

- Municipalities must align their codes with state law or submit them for registry before inspection and enforcement.

### Recent Changes in the Health and Safety Code

- **Chapter 437** Sec. 437.0091: Requires municipalities to register ordinances that differ from state law in a local ordinance registry before enforcement.
- **Chapter 437A**: A permit issued by a county under this chapter must authorize a mobile food service establishment to operate in any municipality located in the county.
  - Currently applies only to Dallas and Tarrant counties.

# Why Are We Modifying the City Ordinance?



We are proposing amendments so the ordinance is less restrictive and more in line with the State law.

**2020 Council General Guidance** - The changes were made considering the following:

- Impact on traditional brick and mortar stores.
- Allow food trucks in appropriate areas.
- Give neighboring properties the opportunity to show support or express concern.
- Look at applications on a case-by case basis.



# PROPOSED HEALTH AND SAFETY CHANGES



## Expansion of Mobile Food Units

- Include food trailers, which are currently not permitted in Lewisville, to be consistent with the state food code.



## New Mobile Food Unit (MFU) Classifications

- Class I- Limited Mobile Food Unit: May provide hot and cold prepackaged foods. Preparation, assembly or cooking is not permitted.
- Class II- General Mobile Food Unit: May provide a full menu as approved by the Health Services Division.
- Class III- Limited-Services Pushcarts: May be only pushed by human power and serve commercially prepackaged food only.



# PROPOSED HEALTH AND SAFETY CHANGES



## Utility Connections (More restrictive than State Law)

- Shall be limited to only electrical service and in full compliance with the current electrical code adopted by the Building Services Division.
- MFU shall not be permanently connected to any potable water service, sanitary sewer, or fuel gas while in the operation of preparing or vending food

## Code Revision

- Align terminology and definitions with the Texas Food Establishment Rules for consistency.



# PROPOSED LOCATIONAL AND TIME CHANGES



## Removal of Time and Location Restrictions

- Operators can stay stationary for extended periods, as long as zoning requirements (outlined in the UDC) are followed.
- Mobile food units will be able to operate for up to 4 hours without additional restrictions. Operators that would like to remain stationary beyond this time will have to secure a Special Use Permit.
- Does not apply to Special Events.



# ZONING REQUIREMENTS



## Current Food Truck Parks (Individual Trucks not addressed)

- Truck Parks Only (2+ trucks, Individual Trucks not addressed as relied on health code)
- SUP in OTC, OTMU2, LC, GB, GB-2, and LI
- Supplemental standards: (1) Park on pavement and (2) 12 hour parking limit, no overnight parking, daily commissary.



## Code Revision considerations:

- Removing/extending 12 hour, no overnight parking - inconsistent with Food Truck Parks operations.
- Adding individual food truck to use table to limit zoning and require SUPs if parked in one location beyond a set time (4 - 48 hours)

# COUNCIL DIRECTION

- Staff recommends updating the Mobile Food Unit regulations to align with the State Code and eliminate unnecessary time and location restrictions. This adjustment will provide greater flexibility for food truck operations in Lewisville, fostering business growth and enhancing community engagement.



- Staff also recommends transferring all zoning requirements related to food trucks, currently outlined in the Health Code, into the Unified Development Code (UDC) to align with previously adopted changes regarding food truck parks.

# QUESTIONS / COMMENTS

