

Sec. 8.15 – Supplemental Regulations

O. Food Trucks, Food Courts and Mobile Vendors ***DRAFT*******

The purpose of this ordinance is to encourage the operation of Food Trucks in the City of Keller. Though the ordinance does not regulate the use of Food Trucks for private events in residential areas, it does address the use of food trucks, mobile vendors, and food courts on private commercial property and on City-owned and/or managed property.

Definitions

Food Truck means any vehicle from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public, provided further that food trucks may also sell other edible food products and beverages that have been prepared or assembled elsewhere.

Food Truck Court means a property used or developed to accommodate one or more food trucks and/or mobile vendor units as the primary use of the property while accommodating areas on the property for entertainment or recreational opportunities. Food Truck Courts must have a valid certificate of occupancy, in addition to all other applicable permits and inspections.

Food Truck Operator means any person, firm, corporation or other entity engaged in the selling or offering for sale any and all food or food products outdoors from a food truck.

Mobile Vendor means any person, firm, corporation or other entity engaged in the selling or offering for sale any and all goods, services, wares, beverages or merchandise from a mobile vending unit.

Mobile Vending Unit means any vehicle, cart, trailer, conveyance, or apparatus used for the displaying storing or transporting of articles offered for sale by a mobile vendor.

A. General Operating Requirements:

1. Food truck or mobile vendors shall obtain a renewable, annual Food Truck and Mobile Vendor Unit permit from the City of Keller before operating in the City.
2. A fire inspection must be conducted and passed every six months per NFPA 96 (National Fire Protection Association).
3. All Food Trucks and Mobile Vendor Units shall meet the City of Keller requirements of the most recently adopted applicable International Code Council building codes including the Fire and Electrical Codes.
4. Electricity shall be from a generator or an electrical outlet via a portable cord. The generator shall be located no less than 25 feet from any other food truck, mobile vendor unit, and/or combustibles.
5. Temporary connections to potable water are prohibited. Water shall be from an internal tank.
6. A drive-through service is not permitted as part of Food Truck, Mobile Vendor, or Food Court operations.
7. Food Trucks and Mobile Vendor Units shall be removed from the location on a daily basis and may not be parked overnight. This provision applies to food trucks servicing residential areas as well as all other areas in the City.
8. Food Trucks and Mobile Vendor Units shall not operate less than ten (10) feet from another food truck, mobile vendor unit or structure.
9. Food Trucks and Mobile Vendor Units shall not operate:

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- a) Within 25 feet of any intersection;
 - b) Within 25 feet of any stop sign, flashing beacon, yield sign, or other traffic control signal located on the side of a roadway;
 - c) Within five (5) feet of any public driveway, wheelchair ramp or bicycle ramp;
 - d) In any manner that impedes an exit or entrance of an operating building.
 - e) In any manner that obscures traffic sight visibility.
 - f) Further than 150 feet from paved fire apparatus access.
10. No food trucks, mobile vendors, their merchandise, advertising, or seating shall obscure traffic sight visibility.
 11. All Food Trucks and Mobile Vendor Units shall be equipped with a lidded trash receptacle. The trash receptacle must be placed outside next to the food trucks and mobile vendor units for use by the patrons of the unit. The area, including a 50-foot radius around the Food Trucks and Mobile Vendor Units, shall be kept clean and free from litter, garbage, and debris.
 12. Except as otherwise limited by the City of Keller Code of Ordinances or other City Codes, an individual food truck operator or mobile vendor may utilize outside seating consisting of a portable table and a seating capacity not to exceed eight (8). No furniture or any other objects can be placed in the street, sidewalk, or any right-of-way (ROW).
 13. Owners of any food truck or mobile vendor unit must sign a notarized statement that they acknowledge and accept a minimum amount of \$1,000,000 liability insurance, that covers the food truck or mobile vendor, must be maintained at all times and that proof of such insurance coverage can be demanded to be provided to the City upon three (3) working days' notice to the owner. **[CHECKING WITH CITY ATTORNEY RE ADDITIONAL RIDER WITH AUTOMOBILE INSURANCE.]**

B. Food Truck Courts

1. Food Truck Courts shall only be permitted by a specific use permit (SUP) in a commercially zoned district (NS, R, C, TC, OTK, KR, LI, and MU-PD). Food Truck Courts shall meet the zoning district regulations in which they are located. Developments that incorporate Food Trucks, Mobile Vendor Units, and/or Food Courts shall be part of an approved Planned Development.
2. The Certificate of Occupancy shall be obtained and maintained by the Food Court rather than individual vendors.
3. Food Truck Courts shall provide restrooms and seating for guests.
4. If the Food Truck Court operates in conjunction with another facility with bathrooms, those bathrooms will suffice for this requirement as long as they meet the current building codes related to capacity for both the facility and the Food Court at full capacity and are accessible during the same operating hours as the Food Truck Court vendors' operating hours.

C. Provisions for Private Commercial Property (Non-Residential Zoning Districts)

1. All Food Trucks and Mobile Vendor Units must be located on a parcel which is appropriately zoned for commercial development and use.
2. Food Trucks and Mobile Vendor Units shall be located on an individual private parcel, adjacent to or where, within 300 feet, an existing permanent business operates in a building with a certificate of occupancy.
3. A food truck operator, mobile vendor, and/or food truck court shall submit a site plan depicting the location of the food truck and/or mobile vendor units on the property, including dimensions of the food trucks and/or mobile vendor units, shade structures,

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seating, etc.

4. Food Trucks and Mobile Vendor Units, including any applicable seating, may operate in parking spaces if the required parking for the center remains in compliance with Keller Unified Development Code Section 8.07 Off-Street Parking and Loading Requirements.

D. Provisions for City-Owned and/or Managed Property

1. A Hold-Harmless Agreement is required to be completed with the City of Keller if the food truck or mobile vendor unit is to be located on City of Keller property.
2. The City Manager or his/her designee shall have the authority to manage the operation for Food Trucks and Mobile Vendor Units on city-owned and/or managed property. Such property includes but is not limited to Town Hall, Bates Street, Sports Park, Bear Creek, and Old Town.
3. Food Truck Vendors and Mobile Vending Units interested in operating on Bates Street, the City's Festival Street, will sign up online using the Parks Department software provided to reserve pavilions. The City Manager or his/her designee shall have the authority to rotate vendor requests if requests outnumber spaces available.
4. *Food Trucks and Mobile Vendor Units shall provide the City with a copy of written permission from the property owner to allow the food truck and/or mobile vendor employees and their customers access to a commercially plumbed public restroom on-site. [The City will have to determine how to address the need for bathrooms as it applies to Bates Street. Other City facilities (for example Bear Creek Park and the Sports Park) have bathrooms. Events held at Town Hall often include portable bathrooms when Town Hall bathrooms are closed. During festivals, portable bathrooms will be provided. However, that will not address non-festival times when Food Trucks use the Bates Street hook-ups. Perhaps the easiest solution is for the City to require any Food Truck using Bates Street (unless associated with a festival) to also rent a portable bathroom. The other solution is to exempt Bates Street from bathroom requirements as part of OTK.]*
5. SPERT Permits (Special Permit for Events Review Team) identify the person responsible for each particular event. All Food Trucks and Mobile Vendor Units that are associated with each particular event come under the umbrella of the SPERT permit. Therefore, each vendor does not have to submit an individual permit request for a SPERT event. However, any trucks or vendors participating in a SPERT will need to be registered with the City. (See A (1) and (2), above.)

- E. *Fees.* Food Truck and Mobile Vendor permit fees are located in APPENDIX C FEE SCHEDULE of the City of Keller Unified Development Code. **[Staff recommends the annual permit fee be a flat \$50. This mirrors the fees charged for contractor registrations and is not cost prohibitive for vendors. Because of the very small amount of electricity typically used, Staff does not recommend charging separate fees for electricity. If the City negotiates a bathroom accessibility contract with businesses for Food Trucks using Bates Street, an added "Bates Street" fee for those Food Trucks to cover this cost may want to be considered so that the City is not funding private business needs.]**