

# Food and Food Service Establishment Ordinance Amendments

*Comments from Council Member Kevin Roden, 04.04.12*

## **FOOD MANAGER CERTIFICATIONS** (Sec 13.4, page 5)

- I would recommend developing some sort of formula to determine how many of these a particular business should have. This should take into account:
  - The number of employees working at the establishment
  - The number of employees required to work per shift (requiring one certified manager at all times during all shifts is probably too much for most smaller restaurants)
  - Perhaps consider a minimum standard that can be increased as necessitated by a series of low inspection scores. A record of low scores may indicate the need for more oversight at the establishment, but without this sort of justification, it may prove too burdensome a requirement.

## **MOBILE FOOD ESTABLISHMENTS**

### **TYPES OF MOBILE FOOD UNITS** (Sec 13.2 (x), p.3)

- As written, the new ordinance does away with the possibility of operations such as hot dog push carts. Perhaps the types of units can be augmented to include such establishments.
  - Please look at the City of Dallas distinctions between limited service and full service mobile operators – their list is much more inclusive of various types than ours:
    - [http://www.dallascityhall.com/code\\_compliance/restaurant\\_mobile\\_food\\_facility.html](http://www.dallascityhall.com/code_compliance/restaurant_mobile_food_facility.html)
- We should examine whether differing rules related to each of the types should be clarified. This could include differing rules relating to:
  - Where they can go
  - How long they can stay in a certain area
  - Zoning questions
  - Etc.

### **REQUIREMENTS FOR MOBILE UNITS**

- What it takes to get a CO needs to be better clarified – simply pointing to Sec 13.28 will prove confusing and lead to opportunities to unnecessarily reject permits – those rules

were written without thinking of mobile units. We should have a subsection of that part of the ordinance that clearly defines what is required specifically of mobile food trucks and this should also be further delineated by TYPE of mobile food establishment.

- The CO process should be better defined – especially as it relates to mobile units that may have already been constructed.
- I would suggest that the health permit and its requirements should be separated from matters of itinerary and location of the units. Given that the latter will be constantly in flux, while the former is merely a matter of meeting objective criteria, why not issue a permit and condition the ability to operate on the condition that up-to-date, approved itineraries are on file?
- Background check requirements should be taken out – I’m not sure why this is justified if not required of other food establishments.
- Look at the layout of the Dallas website relating to all this – they have clearly defined requirements and checklists relating to each type of vehicle. I’d like to see this sort of clarity for the operators -  
[http://www.dallascityhall.com/code\\_compliance/restaurant\\_mobile\\_food\\_facility.html](http://www.dallascityhall.com/code_compliance/restaurant_mobile_food_facility.html)

## **WHERE MOBILE UNITS CAN OPERATE**

- Zoning – only allowing in restaurant-zoned areas is too restrictive. Perhaps that can serve as a base allowance, but there needs to be a clear and easy process whereby other places are allowed.
- Private Property Requirements – it seems a private property owner has many avenues available under current laws and civil processes to deal with a rogue food truck operating on his/her property. I’m not sure why the city needs to get in the middle of such arrangements by requiring burdensome “permission” paperwork.
- Public Property – we need to explore how to make this work – it may be that we would want to encourage the use of public parks, parking lots of public facilities, certain streets and public parking spots, etc. on certain days and certain times. The goal is to see how such a culture might actually serve to humanize certain areas and help meet other city sustainability goals (walkable access to fresh food options, ability to find food without getting in a car, etc.)
- Parking spots of businesses – there is a prohibition in the ordinance against using parking spots required for a CO. We should revisit this – this would likely mean many private businesses would not be able to utilize this new amenity (many Dallas businesses partner with food trucks to add food traffic into their businesses). If a vehicle, regardless of type, is able to use those parking spots, it is not clear why a mobile food truck vehicle could not. Again, this would not be a permanent taking of the spot, so the fear of not meeting CO requirements seems unjustified.
- Parking on Streets – in most cities, this is allowed in certain areas – we should revisit this.
- 300 foot setback from restaurants – notwithstanding potential legal issues, this does not seem justified. If another permanent restaurant is able to build within 300 feet, it

seems unfair why an owner of a piece of property within 300 feet could not use that property for food trucks. The other issue to address here is the question of orientation – what about the back of an establishment? Wouldn't proximity be less of an issue if the truck is not near the front door?

- 1500 feet from schools – this should be removed – we don't apply it to other typical food establishments, not sure what justifies it here. The traffic issues cited are not used to ban other sort of establishments, assuming the zoning is allowed.

## **COMMISARY REQUIREMENTS**

- There should be a path whereby a permitted permanent food establishment can become a commissary
  - Perhaps under certain capacity conditions for grease traps, waste water, etc.
  - It should absolutely be allowed in the case that the owner of a permanent facility also owns a food truck business
  - It should also be a possibility for other food truck owners to work with existing food establishments – this might present an opportunity for additional revenue for local businesses
- We should explore having less stringent commissary requirements at the outset of this ordinance, given the fact that Denton lacks any commissaries.

## **SETTING UP CHAIRS, TABLES, TENTS, AWNINGS, ETC.**

- This is allowed in other Texas cities and seems to bring about the street life that we hope to encourage through the allowance of food trucks. The restrictions in place under the current ordinance should be removed.

## **OUTSIDE OF DENTON FOOD TRUCK OPERATORS**

- I would encourage exploring the possibility of a quick, streamlined process for permitted mobile food trucks that are already permitted in a city where we are comfortable with their regulatory oversight (Dallas and Fort Worth, for instance). This could help us get a quick start on this culture and make sure the other DFW food trucks know they are invited and welcome to do business in our city.
- We might also explore the possibility of coordinating regulatory oversight with Dallas and Fort Worth – the business model tends to see these trucks going from city to city even within the course of one day.
- I'd like to see clarification on the sales tax issue – if an outside vendor sells in our town, who gets the sales tax from their time here.

## **TEMPORARY FOOD ESTABLISHMENTS**

### **NUMBER ALLOWED PER YEAR**

- I'd like to see this number augmented, perhaps even unlimited under certain conditions.
  - This could be tied to place and events.
  - If an operator is legitimately setting up on several occasions for different community events on different days and at different places, it seems the worry of them becoming a de facto permanent establishment in one location is removed.

### **PROVISION FOR OUTDOOR COOKING AND SERVING ON PREMISES OF PERMANENT ESTABLISHMENTS**

- If outdoor cooking and serving is done on the premises of a permitted permanent food establishment and performed under the same guidelines as temporary food establishments at off-site locations, it seems the restriction to three a year is too prohibitive.
- In theory, given that the cooking and serving is being done in close proximity to a permanent establishment with all the necessary safeguards, these temporary outdoor set-ups would be safer than those done off-site at festivals and other place (potentially several miles away from a permanent facility).
- This would also aid the city policy of bringing life to the city streetscape and drawing more people out to create new walkable, human-centered areas.

## **FARMER'S MARKET**

Under "Equipment" on page 20, the ordinance requires the use of only ANSI approved mechanical food equipment. I'd like to hear more on why this is the case and if it is necessary for all food vendors at farmer's markets.