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**INFORMAL STAFF REPORT  
TO MAYOR AND CITY COUNCIL**

**SUBJECT:**

Mobile Food Trucks and Food Parks

**BACKGROUND:**

On April 3, 2012, via a City Council work session, staff presented several recommendations regarding permitting and regulating mobile food trucks, the establishment of food parks for mobile food trucks, and commissaries as a means of providing support services for mobile food trucks within the City. Subsequent to the presentation, the City Council made several recommendations germane to the aforementioned activities. As a result of the input received from the City Council, staff is in the process of revising our recommendations, and is scheduled to make a follow-up presentation on these matters to the City Council on August 21, 2012.

**DISCUSSION:**

On March 23, 2004, the City adopted Ordinance 2004-080 amending Chapter 13 Food and Food Services Establishments of the City's Code of Ordinances by making conforming changes in accordance with the Texas Food Establishment Rules (TFER) promulgated by the Texas Department of Health. Per section 13.1 of the City Code of Ordinances, the TFER is regarded as the minimum standards for food service operation (including the operation of mobile food trucks) within the corporate limits of Denton. Specifically, mobile food trucks are regulated under §229.169 – *Mobile Food Establishments*, of the TFER. This section of the TFER is provided as Exhibit 1; however, in summary, it addresses the following matters:

- (1) *General Provisions.*
- (2) *Restricted operation.*
- (3) *The use of single-service articles.*
- (4) *Existing refrigeration equipment.*
- (5) *Mobile water system materials, design, and operation.*
- (6) *Mobile food establishment tank inlet.*
- (7) *The mobile unit being readily moveable.*
- (8) *Sewage, other liquid waste, and rainwater.*
- (9) *Mobile food establishment water and wastewater exemption.*

In addition to the above referenced section of the TFER, §13-53 of the City's Code of Ordinances also provides requirements for mobile food units. These regulations are very limiting and only address the need of a mobile food unit to obtain and maintain a valid Food Service Permit. Specifically, the full extent of the language of §13-53 reads:

- (a) All mobile units originating from or serving food within the city must have a valid food service permit, which must be kept in the vehicle at all times. The permit must bear the name of the registered owner of the truck and truck license plate number.

I would like to take this opportunity to clarify that while it has been a long standing practice to disallow mobile food units from stopping at a given location for a period exceeding fifteen (15) minutes, there is no such restriction in either the TFER or the City's Food and Food Services Code. While §229.169(7) of the TFER provides that "*A regulatory authority may require a mobile food establishment to come, on an annual basis, to a location designated by the regulatory authority as proof that the mobile food establishment is readily moveable,*" there is no restriction applied to the unit's duration of stay at a given location. Lacking any authority (given by the City's Food and Food Services Code or the TFER) to support the restriction of a mobile food truck's duration of stay at a given location, the City will discontinue the application of this practice, until such time, when and/or if, the City Council adopts such a restriction.

**CONCLUSION:**

As stated previously, staff is in the process of amending §229.169 of the TFER and §13-53 of the City's Code of Ordinances to incorporate the input received from the City Council during the April 3, 2012 work session. Along with other proposed amendments to the City's overall food code, staff will be presenting revised draft Mobile Food Truck ordinance to the City Council via a work session on August 21, 2012.

**ATTACHMENT(S):**

1. Texas Food Establishment Rules – *§229.169 Mobile Food Establishments.*

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**Exhibit-1****Texas Food Establishment Rules****§229.169. Mobile Food Establishments.**

- (a) Mobile food establishment provisions.
- (1) **General.** Mobile food establishments shall comply with the requirements of these rules, except as otherwise provided in this paragraph and in paragraph (2) of this subsection. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this rule relating to physical facilities, except those requirements as specified in paragraphs (5) and (6) of this subsection; subsection (c).(1).(A)-(E) of this section and §229.164.(k)-(o) of this title (relating to Food). The regulatory authority may require a mobile food establishment operator to demonstrate that the vehicle is readily moveable.
  - (2) **Restricted operation.** Mobile food establishments that serve only food that is prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of these sections, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with the requirements of these rules pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its central preparation facility.
  - (3) **Single-service articles.** Mobile food establishments shall provide only single service articles for use by the consumer.
  - (4) **Existing refrigeration equipment.** Existing refrigeration equipment will be upgraded to meet the 41 degree Fahrenheit requirement and countertop, under-counter and open top refrigeration units shall be upgraded or replaced, as specified in §229.164.(o).(6).(B).(ii) of this title.
  - (5) **Mobile water system materials, design, and operation.** Mobile food establishment water systems shall meet the requirements of §229.166.(i).(6) of this title (relating to Water, Plumbing, and Waste).
  - (6) **Mobile food establishment tank inlet.** A mobile food establishment's water tank inlet shall be:
    - (A) 19.1 mm (3/4 inch) in inner diameter or less; and
    - (B) provided with a hose connection of a size or type that will prevent its use for any other service.

- (7) ***Readily moveable.*** The regulatory authority may prohibit alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility. A regulatory authority may require a mobile food establishment to come, on an annual basis, to a location designated by the regulatory authority as proof that the mobile food establishment is readily moveable. A regulatory authority may require that mobile food establishments that violate this section go for re-inspections to a location designated by the regulatory authority.
- (8) ***Sewage, other liquid waste, and rainwater.***
- (A) Waste retention. If liquid waste results from operation of a mobile food establishment, the waste shall be stored in a permanently installed retention tank.
- (B) Capacity and drainage. A sewage holding tank in a mobile food establishment shall be:
- (i) sized at least 15% larger in capacity than the water supply tank; and
- (ii) sloped to a drain that is 25 millimeters (1 inch) in inner diameter or greater, equipped with a shut-off valve.
- (C) All connections on the vehicle for servicing the mobile food establishment waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food establishment.
- (D) Discharge liquid waste shall not be discharged from the retention tank while the mobile food establishment is in motion.
- (E) Flushing a waste retention tank. A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner.
- (F) Removing mobile food establishment wastes. Sewage and other liquid wastes shall be removed from a mobile food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.
- (9) ***Mobile food establishment water and wastewater exemption.***
- (A) A roadside vendor that sells only prepackaged food is exempt from these rules pertaining to water and wastewater.
- (B) A mobile food establishment that prepares food requiring no water for operations and no hand contact with food is exempt from these rules pertaining to water and wastewater if the required cleaning and sanitization equipment exist at its central preparation facility.