

ORDINANCE NO. 2026-

AN ORDINANCE AMENDING CHAPTER 46, SECTION 46-104 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY, ENTITLED "FOOD BOOTHS AND FOOD VENDORS," TO UPDATE REGULATIONS GOVERNING MOBILE FOOD VENDORS AND FOOD BOOTHS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, PUBLICATION, AND AN EFFECTIVE DATE

WHEREAS, the City of League City, Texas is a home rule municipality authorized to regulate fire protection, life safety, fuel and gas containers, emergency access, and the use of property within the City, except where limited by state or federal law; and

WHEREAS, the 89th Texas Legislature adopted House Bill 2844, which added Chapter 437B to the Texas Health and Safety Code and established a statewide licensing framework for mobile food vendors; and

WHEREAS, Chapter 437B preempts conflicting local regulation but preserves non-conflicting local laws, including fire codes, location restrictions, and zoning codes; and

WHEREAS, the City Council finds that this Ordinance removes City-issued mobile food vendor permit requirements while preserving the City's lawful authority to regulate fire protection, life safety, fuel and gas containers, emergency access, location restrictions, and other non-conflicting requirements applicable to food booths and mobile food vendors; and

WHEREAS, the City Council finds that adoption of this Ordinance is in the best interest of the health, safety, and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and matters set forth in the recitals above are found to be true and correct and are incorporated into this Ordinance for all purposes.

Section 2. Chapter 46, Section 46-104 of the Code of Ordinances of the City of League City, Texas, entitled "Food Booths and Food Vendors," is hereby amended as set forth in Exhibit A, which is attached to and incorporated into this Ordinance for all purposes.

Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required by Chapter 551 of the Texas Government Code.

Section 8. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective upon passage.

PASSED first reading the ____ day of _____, 2026.

PASSED AND ADOPTED the ____ day of _____, 2026.

NICK LONG
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

MICHELLE L. VILLARREAL
City Attorney (mv)

Exhibit A

Sec. 46-104. - Food booths and food vendors.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except when the context indicates a different meaning:

Food booth means a temporary, stationary, non-vehicle structure or setup, including a booth, food stand, or temporary food service facility, used to prepare, serve, display, or sell food or beverages.

Food vendor means a person or agency that sells ready-to-eat food or drinks in a street or public place from a food booth, food cart, or the like**, but does not include a mobile food vendor**.

Food vending vehicle means any vehicle that operates as a food service establishment and is designed to be readily movable.

Mobile food vendor means any person who dispenses food or beverages from a food vending vehicle for immediate service or consumption.

Stationary means not moving or not intended to be moved.

(b) Mobile food vendor state license. A person may not operate as a mobile food vendor unless the person holds a mobile food vendor license issued by the Texas Department of State Health Services, as required by Chapter 437B of the Texas Health and Safety Code. A separate state license is required for each food vending vehicle a mobile food vendor operates.

(c) Fire protection and life safety. The following requirements apply to food booths and food vending vehicles, as applicable based on the equipment, cooking source, and configuration used:

(1) Fire extinguishers.

(i) A minimum of one 3A-40 BC fire extinguisher shall be required and shall be mounted in a conspicuous place within the kitchen area as close to the primary exit point as practical.

(ii) Deep fat fryer operations shall also have a Class K portable fire extinguisher for up to four fryers having a maximum cooking medium capacity of 80 pounds each.

- (iii) For every additional group of four fryers having a maximum cooking capacity of 80 pounds each, an additional Class K extinguisher shall be required.
- (iv) For individual fryers exceeding six square feet in surface area, Class K extinguishers shall be installed in accordance with manufacturers' recommendations.
- (v) All fire extinguishers shall have a current inspection sticker from a licensed extinguisher company.

(2) Location and access. When utilized for cooking, the following minimum location requirements apply:

- (i) Shall not be closer than 15 feet to any structure.
- (ii) Must remain at least 15 feet away from any fire hydrant.
- (iii) Shall not block access to a fire department connection (FDC) or be placed within marked fire lanes unless otherwise approved by the fire marshal.
- (iv) Shall not obstruct any entrances or exits from a structure or obstruct existing traffic patterns.

(3) Barbecue pits, grills, smokers, and similar cooking equipment. Barbecue pits, grills, smokers, and similar cooking equipment shall not be located within ten feet of combustible materials and shall not be located under a canopy.

(4) Approved cooking sources. Wood, charcoal, propane, natural gas, and electricity are the only approved cooking sources.

(5) Fuel tanks and generators.

- (i) Fuel tanks shall be of adequate capacity to permit uninterrupted operation during normal operating hours.
- (ii) Generators shall be isolated from contact with the public.
- (iii) Storage of gasoline is not allowed in or near generators or cooking areas.
- (iv) Generators shall be placed at least ten feet from buildings, structures, vehicles, and combustibles.
- (v) Generator exhaust shall be directed away from cooking areas, vehicles, buildings, structures, exits, and openings.
- (vi) Generators shall be shut down, engine cooled, and then refueled.

(6) Decorative materials. All decorative material shall be at least six feet away from any open flame, cooking element, or heat source or be flame resistant.

(7) Emergency access and escape. Where the configuration includes an aisle or other pedestrian access path, a minimum 36-inch clear aisle shall be maintained for emergency

access and escape.

(8) Egress. Egress access, egress, and egress discharge shall be unobstructed.

(9) NFPA compliance. Operators engaged in mobile or temporary cooking operations shall comply with NFPA 1, Chapter 50, Section 50.7, Mobile and Temporary Cooking Operations.

(d) Fuel and gas containers. The following requirements apply to food booths and food vending vehicles, as applicable based on the fuel source and equipment used:

(1) Propane equipment and tanks. All equipment used in conjunction with propane tanks must be UL Listed for the purposes in which they will be used. Tanks shall be secured to prevent falling. Tanks shall only be white or aluminum in color. Only one spare tank will be allowed in a food booth. Emptied propane tanks are to be removed from the site immediately after use. Regulators shall be attached to the tanks as close as possible. Tank shutoff valves and/or additional shutoff valves shall be accessible and away from the cooking appliance(s). Propane tanks shall not be within five feet of an ignition source. Propane tanks shall not be located within ten feet of a building door or window.

(2) Gas containers. Gas containers shall be located and secured on the exterior, open to atmosphere, or if containers are kept in a compartment, said compartment must be separate from the interior food preparation area. Access to the gas container must be from the exterior and the compartment floor and exterior door must be vented to the atmosphere.

(3) Fuel shutoff. Fuel containers shall have a one-quarter-turn shutoff valve located outside the cooking area or in another readily accessible location. The shutoff valve shall be marked with a sign stating "FUEL SHUTOFF" in three-inch red letters on a white background. The valve shall be placed where it can be readily seen and reached without endangering any person attempting to turn off the fuel source in the event of fire.

(4) No smoking signs. When propane is used, a "NO SMOKING" sign shall be posted next to or directly above the propane bottle and visible to the public. The sign shall have a minimum of three-inch red lettering on a white background.

(5) LPG hoses and fittings. Any hose used to pipe LPG to a device shall be listed by UL, FM, or other approved agency and listed specifically for LP Gas service. All couplings, fittings, and any other devices shall meet the requirements for LP Gas Service as outlined

in the International Fuel Gas Code, NFPA 58 and 54, or be deemed unapproved and removed from service.

(6) LPG tank placement. LPG tanks located outside the mobile food vendor or food booth unit shall be placed at least shall be a minimum of five feet from the primary means of egress.