

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:

~~Barbecue grill means a device that cooks food by applying heat.~~

~~Barbeque pit means a method and constructed item for preparing food products buried below the surface of the earth.~~

~~Booth, food booth, food stand, or temporary food service facility means a temporary stationary, non-wheeled, structure used to prepare and sell food.~~

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 ~~portable food booth~~ **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 ~~a self-contained food service operation, located in a readily movable motorized wheeled, or towed vehicle, used to store, prepare, display, or serve food~~ **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) Permits. It shall be unlawful for a food vendor or mobile food vendor, either mobile or stationary, to operate without a permit. The required permit shall be obtained through the fire marshal's office. Food vendors are required to obtain a permit for each event. Mobile food vendors are required to obtain a permit annually. The fire marshal shall have the power to issue or deny such permit as such officer deems proper, considering the danger to the health and safety of the inhabitants of the city, and/or the danger to property in the city. The fire marshal shall keep a record of all permits issued.~~

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.

~~(1) Prior to approval for a permit, the applicant shall submit to the fire marshal, a certificate of insurance and endorsement evidencing commercial general liability coverage, including premises/operations, independent contractors, personal injury, and contractual liability, at a combined single limit of \$1,000,000.00 per occurrence, with the city being named as the additional insured by endorsement. The applicant shall provide at least 30 days' advance notice of cancellation or material alteration of the insurance policy.~~

~~(i) Exceptions to the insurance requirement in subsection (b)(1) is any organized event sponsored by an organization providing insurance covering each food vendor in the aggregate amount stated in paragraph (b)(1) above.~~

~~(2) A fee shall be required for the issuance of a permit as indicted in the current city fee schedule.~~

(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 ~~for all food booths and mobile food vendors,~~ and shall be mounted in a conspicuous place within the kitchen area as close to the primary exit point as practical.

(ii) ~~Booths containing deep fat fryers shall also have~~ **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 ~~witt~~ **shall** be required.

(iv) For individual fryers exceeding six square feet in surface area, Class K extinguishers ~~witt be~~ **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. ~~Food booths utilized for cooking shall meet these minimum location requirements:~~ **When utilized for cooking, the following minimum location requirements apply:**

- (i) ~~Food vendor shall~~ **Shall** not be closer than 15 feet to any structure.
- (ii) ~~Food vendor must~~ **Must** remain at least 15 feet away from any fire hydrant.
- (iii) ~~Food vendor shall~~ **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) ~~Food vendor shall~~ **Shall** not obstruct any entrances or exits from a structure or obstruct existing traffic patterns.
- (3) ~~Barbeque pits or grills shall not be located within ten feet of combustible materials. Barbeque pits shall not be located under the food booth canopy.~~

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 ~~for food vendors~~.

(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 ~~food booths~~ **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 ~~mobile cooking vehicle~~ **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) ~~All concession stands shall have a minimum of a 36-inch aisle for emergency escape.~~

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 ~~from a mobile food vendor~~ shall be unobstructed.

(9) ~~All mobile food vendors shall comply with the requirements of the NFPA 1, Chapter 50- Commercial Cooking, Section 50.7 - Mobile and Temporary Cooking operations must be met.~~

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 ~~of the mobile food vendor unit~~, 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 ~~of the unit~~ and **the** compartment floor and exterior door must be vented to the atmosphere.

(3) **Fuel shutoff.** ~~The~~ Fuel containers ~~must~~ **shall** have a one-quarter-turn shutoff valve located outside the ~~confines of the unit, or which is~~ **cooking area or in another** readily accessible **location** ~~and marked with a sign consisting of three-inch red letters on a white background, which states "FUEL SHUTOFF." This valve must be placed~~ . **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 ~~the person(s)~~ **any person** attempting to turn off the fuel source in the event of fire.

(4) **No smoking signs.** ~~All mobile food vendors and food booths with propane shall post~~ **When propane is used, a "NO SMOKING" sign shall be posted** next to or directly above the propane bottle and visible to the public. ~~Such sign shall be posted with~~ **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 a minimum of five feet from the primary means of egress.~~ **When located outside, LPG tanks shall be placed at least five feet from the primary means of egress.**