



Mobile Food Truck Guidelines

1. A Mobile Food Unit is defined as a vehicle-mounted mobile food establishment designed to be readily moveable.
2. Applicant must show or certify the Mobile Food Unit (MFU) is commercially built or certified by a professional business.
3. MFU must meet the current Fire Code which includes a Fire Suppression System with a current tag and an inspection by the City Fire Marshal.
4. Applicant must possess a certified health certificate issued by the Texas Department of State Health Services to show MFU meets all state requirements.
5. Applicant must possess a Food Handler's License issued by the TDSHS.
6. Applicant must possess a State Taxpayer number and report taxes on any sales.
7. Applicant must possess permission to operate on property.
8. Applicant must complete a Restroom Facility Agreement confirming the availability of a restroom for use within 300 feet of the vending location during the hours of operation.
9. Fees for MFU:
 - a. Temporary (up to 7 consecutive days) - \$50
 - b. Yearly - \$200
 - c. Non-profit - No charge
 - o Must show proof of 503(c)3 documentation



Application for Mobile Food Unit Permit

NOTE: This application must be filled out completely and turned in with copy of proof of Texas sales and use tax permit, copy of current and valid identification card, copy of Food Handler's certification, and copy of health certificate issued by the Texas Department of State Health Services.

Mobile Food Unit Name _____

Mobile Food Unit Owner's Name _____ Phone# _____

Owner's Address _____
Address City State Zip Code

Email Address _____ # of Employees: _____

Mobile Food Unit Type: (circle one) Motor Vehicle Trailer Pushcart

Vehicle Make _____ Model _____ Year _____

Hours of Operation _____

Property on which Mobile Food Unit will be located: _____

FEES	
Temporary (up to 7 consecutive days)	\$50
Yearly	\$200
Non-Profit•	No Charge

*Non-Profit must provide 501(c)(3)

All the information contained in this application is true and correct to the best of the applicant's knowledge. Applicant acknowledges the permit applied for shall be subject to all orders and ordinances of the City of Carthage and shall also be subject to provisions of the Texas State Department of Health Services in regard to Mobile Food Units.

Owner/Responsible Party Signature Printed Name Date



Property/Restroom Facility Agreement

All City of Carthage Mobile Food Units operating at a location two (2) hours or more must provide this Restroom Facility Agreement confirming the availability of a restroom for use within 300 feet of the vending location during the hours of operation. A valid Restroom Facility Agreement must be on file for each individual location in which vendor operates for two (2) or more hours. *Failure to maintain a valid and accurate Restroom Facility Agreement form may result in permit suspension and/or possible legal charges filed against the Mobile Food Unit Permit holder.*

Vendors utilizing fixed establishment's restroom facilities must have this form completed and signed by the owner/responsible party of the facility intended for use. Note: Residential restroom facilities may not be utilized for this requirement.

I, _____, owner/responsible party for _____
Name of Business Owner (printed) Names of Business (printed)

located at _____, gives permission to _____
Business address (printed) Mobile Food Unit Owner (printed)

of _____ to use my restroom facilities during the Mobile
Name of Mobile Food Unit (printed)

Unit's hours of operation. I understand observations of inaccessibility to my restroom facilities during the Mobile Food Unit hours of operation, restroom facilities greater than 300 feet from MFU or sewage violations may result in this agreement being rescinded by the City of Carthage.

Owner/Responsible Party Signature Printed Name Date

ORDINANCE NO. 2020-05

AN ORDINANCE AMENDING THE CITY OF CARTHAGE CODE OF ORDINANCES, CHAPTER 26, "LICENSES AND BUSINESS REGULATIONS", BY ADDING ARTICLE VII, "MOBILE FOOD VENDORS", TO ALLOW FOR AND REGULATE MOBILE FOOD VENDORS

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CARTHAGE, TEXAS:

SECTION 1. That the Code of Ordinances, City of Carthage, Texas, is hereby amended by adding an Article VII, "Mobile Food Vendors" to Chapter 26, and said Article shall read as follows:

Sec. 26-172 - Definitions

Edible Goods. All food products designed for human consumption.

Mobile. The state of being in active, but not necessarily continuous, movement; capable of being moved and not permanently fixed or placed.

Mobile Food Vendor. Any person that sells edible goods from a Mobile Unit at a Stationary Location on private property approved for such activity within the City of Carthage.

Mobile Unit.

(1) A mobile food truck: a self-contained motorized unit from which a Mobile Food Vendor offers for sale or sells edible goods to the public; or

(2) A concession cart: a mobile vending unit that must be moved by non-motorized means from which a Mobile Food Vendor offers for sale or sells edible goods to the public; or

(3) A concession trailer: a vending unit that is pulled by a motorized unit and has no power to move on its own from which a Mobile Food Vendor offers for sale or sells edible goods to the public.

Stationary Location. The location where the Mobile Food Vendor has obtained written permission from the property owner to sell and dispense edible goods to the public.

Sec. 26-172 - Permits and Fee

(a) Mobile Food Vendor shall submit a completed application for a Mobile Food Vending Permit to the City of Carthage. A Mobile Food Vending Permit shall be required for each individual Mobile Unit in service. The application fee for submitting an application for a Mobile Food Vending Permit for each individual unit in service shall be:

- (i) \$200.00 / annually;
- (ii) \$50.00 / temporary (up to 7 consecutive days); Non-profit - No fee

(b) A Mobile Food Vendor shall obtain:

- (i) a Mobile Food Vending Permit issued by the City of Carthage; and

(ii) a certified health certificate and a food handler's license issued by the Texas Department of State Health Services prior to conducting business in the City of Carthage.

(c) be valid for one (1) year from the date of permit issuance.

Sec. 26-173 - Hours of Operation

No Mobile Food Vendor shall operate between midnight and 6:00 am. Sec. 26-174 -

Mobile Food Vendor Requirements

The following regulations shall apply to Mobile Food Vendors:

- (a) A Mobile Food Vendor shall comply with all regulations established by the Texas Department of State Health Services including all Texas Food Establishment Rules, and all other applicable State and Local regulations.
- (b) Each Mobile Unit shall be equipped with a portable trash receptacle and the Mobile Food Vendor shall be responsible for proper disposal of solid waste and wastewater in compliance with the Code of Ordinances of the City of Carthage.
- (c) No loud or disruptive music or narrative shall project from the Mobile Unit.
- (d) No Mobile Unit may park on private property without a notarized document from the property owner granting permission to the Mobile Food Vendor to utilize the property for that purpose.
- (e) The Mobile Food Vendor must have a completed Restroom Facility Agreement on file with the City of Carthage confirming the availability of a restroom for use within 300 feet of the vending location during the hours of operation.
- (f) No Mobile Food Vendor shall conduct business in the public right of way, shall not block access to any parcel or alley, nor block any fire lane.
- (g) No Mobile Unit shall locate in such a manner as to cause any visibility obstruction at a street intersection.
- (h) A Mobile Unit must have a 2A: 10B:C sized extinguisher with an annual inspection tag from a Texas licensed inspection company or a receipt indicating purchase within the past year. If frying media (grease) is used, a Class K extinguisher shall be required in the Mobile Unit. Any Mobile Unit equipped with an automatic extinguishing system shall have a current (bi-annual) inspection tag from a Texas licensed inspection company. All Mobile Units shall maintain ten (10) feet of clearance for access. Mobile Units equipped with an automatic extinguishing system shall maintain ten (10) feet of clearance from combustible structures. Mobile Units not equipped with an automatic extinguishing system that produce grease laden vapors shall maintain a fifty (50) foot distance from combustible structures or parked, unattended vehicles. All cooking appliances in the Mobile Unit shall be of an approved type, commercial grade, listed and labeled, for the use intended. Appliances shall be installed in accordance with the manufacturer's instructions. Portable camp stoves or the equivalent shall be prohibited. All cooking appliances shall have an approved, labeled and listed on-off valve.

- (i) All propane and natural gas appliances shall be pressure tested annually and have only approved listed parts and no rubber hoses shall be allowed. All piping shall be in accordance with Natural Fire Protection Association 58 and be protected from physical damage. Mounting and placement of containers shall comply with Natural Fire Protection Association 58 and Texas Department of Transportation regulations.
- (j) Cooking surfaces in the Mobile Unit shall be kept clean of grease build-up. Trash containers and debris shall be emptied regularly. Extension cords shall not be utilized for appliances. Appliances shall be plugged directly into electrical outlets.

The City of Carthage is herein authorized to conduct all inspections as necessary to determine the extent of compliance at any time.

SECTION 2. THAT any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The City Commission hereby dispenses with the requirement of establishing a culpable mental state to prove a violation of this section.

SECTION 3. THAT should any paragraph, section, clause, phrase, or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary of the City of Carthage, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

State Department of Health Services

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