

ORDINANCE 2023 - 11- 02

AN ORDINANCE AMENDING APPENDIX A “ZONING”, PART II “USES”, SECTION 10, “USE OF LAND AND BUILDINGS”; TABLE 10-206 “FOOD & BEVERAGE SERVICE”; BY ADDING PROVISIONS ABOUT FOOD TRUCK PARKS AND MOBILE FOOD UNITS’ PROVIDING DEFINITIONS OF MOBILE FOOD UNITS AND FOOD TRUCK PARKS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Commerce is a home rule municipality with the power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and the City of Commerce Charter; and

WHEREAS, Section 51.001 of Texas Local Government Code gives the City the authority to adopt an Ordinance and police regulation which ensures the good of the government and order of the City; and

WHEREAS, the City of Commerce seeks to protect the public health, safety and welfare of its citizens through the establishment of regulatory guidelines for mobile food units and food truck parks to operate within the City of Commerce; and

WHEREAS, the City Council of the City of Commerce desires to implement regulations for mobile food establishments and the type of units allowed and where they can operate in order to ensure the health and safety of the public; and

WHEREAS, pursuant to Chapter 211 of Texas Local Government Code, the City has authorization to establish zoning regulations; and

WHEREAS, the City Council now adopts the appropriate administrative and regulatory amendments rules and procedures as outlined below.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE:

SECTION 1. That Appendix A, Part II, Section 10, Table 10-206 of the Code of Ordinances for the City of Commerce is hereby amended by addition of rows “g” and “h” as follows:

		A-2	NS	GB	CA	HC	I	PD	CD
	Type Use	Apartment Dwelling District	Neighborhood Service District	General Business District	Central Area District	Heavy Commercial District	Industrial District	Planned Development District	Corridor District
	10-206 Food and Beverage Use								
g	Mobile Food Unit			*	*	*	*	*	*
h	Food Truck Park			C	C	C	C	C	C

SECTION 2. The following definitions shall be added to Appendix A, Part II, Section 10-301, of the Commerce Code of Ordinances to include the addition of item (104) *Food truck Park (court)* and item (105) *Mobile Food Unit (food truck)* and whose definition will read as follows:

- (104) *Food truck park (court)*: A property used or developed to accommodate one or more food trucks as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational opportunities. Food truck courts must have a valid certificate of occupancy in addition to all other applicable permits and inspections and accommodate all requirements of use.
- (105) *Mobile food unit (food truck)*: An operational motor vehicle and/or enclosed trailer from which food and associated non-alcoholic beverages are prepared, served and/or sold on public or private property for a period of time which exceeds 60 minutes or two instances of 30 minutes each day. This definition shall also apply to any seating, garbage and/ or recycling containers, restrooms, gear or equipment that is associated with the food truck's operation. (accessory use only; associated primary uses)

SECTION 3. All ordinances and parts of ordinances in force in the City of Commerce which conflict with the terms and provisions of this ordinance are hereby repealed insofar as they conflict with this ordinance, but all other portions of said ordinances shall remain in full force and effect.

SECTION 4. If any provision, section, part, subsection, sentence, clause, phrase, or paragraph of this Act be declared invalid or unconstitutional, the same shall not affect any other portion or provision hereof and all other provisions shall remain valid and unaffected by any invalid portion, if any.

SECTION 5. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS.

SECTION 6. This Ordinance shall take effect and be in force from and after its passage and approval in accordance with the Charter of the City of Commerce.

PASSED AND APPROVED on the FIRST READING this the 17th day of October, 2023.

PASSED AND APPROVED on the SECOND READING this the 21st day of November, 2023.

ATTEST:

CITY OF COMMERCE:


Molly Jacobsen, City Secretary


Teddy Reel, Mayor

(seal)

APPROVED AS TO FORM:


Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(Seal)


Molly Jacobsen, City Secretary