

ORDINANCE NO. 2024-29

AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS, CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. PEDDLERS, CANVASSERS AND SOLICITORS, SECTION 15-56. DEFINITIONS, SECTION. 15-60. USE OF STATE HIGHWAYS PROHIBITED, SECTION 15-65. RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS, AND SECTION 15-66. PERMIT, WRITTEN APPLICATION REQUIRED; ARTICLE VII. REGULATION OF FOOD ESTABLISHMENTS, SECTION 15-147. DEFINITIONS, ADDING SECTION 15-149. MOBILE FOOD UNITS AND RENUMBERING THE REMAINING SECTIONS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Peddlers, Canvassers, Solicitors and Mobile Food Units)

WHEREAS, the City of Boerne, Texas, has determined that amendments to Chapter 15 of the Code of Ordinances are necessary to clarify and update regulations related to peddlers, canvassers, solicitors, and mobile food units; and

WHEREAS, the City Council finds that regulating the activities of peddlers, canvassers, solicitors, and mobile food units is essential for the safety, convenience, and welfare of the public while promoting economic opportunities;

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

That the Code of Ordinances, City of Boerne, TX is hereby amending Section 15-56, Section 15-60, Section 15-65, and Section 15-66, by adding a section to be numbered Sec. 15-149 and renumbering the remaining sections.

Chapter 15 OFFENSES AND MISCELLANEOUS PROVISIONS

Article III PEDDLERS, CANVASSERS AND SOLICITORS

Sec. 15-56. - Definitions.

Park or parking when prohibited, means to stand an occupied or unoccupied vehicle, including a mobile food vehicle unit other than temporarily while loading or unloading merchandise or passengers.

~~*Mobile food vehicle* is a vehicle mounted food establishment, designed to be readily transported, pushed, or drawn.~~

Roadside vendor is a person who operates a mobile retail store from a temporary location adjacent to a public roadway or highway. Food shall not be prepared or processed by a roadside food vendor. A roadside food vendor is classified as a mobile food establishment.

Sec. 15-60. - Use of state highways prohibited.

It shall be unlawful for any peddler, solicitor or vendor to engage in business on any state highway within the city. Furthermore, it shall be unlawful for any mobile food ~~vehicle~~ unit to park on any state highway within the city.

Sec. 15-65. - Restrictions applicable to all peddlers, solicitors and vendors.

- (a) Stands and/or ~~mobile food vehicles~~ roadside vendors shall not:
 - 1. Exceed ten (10) feet in width or thirteen (13) feet in height;
 - 2. Impede access to the entrance or driveway of an adjacent building.
- (b) Hours of operation. Hours of operation shall be between the hours of 7:00 a.m. and 12:00 a.m. unless otherwise stated herein. All stands and ~~mobile food vehicles~~ roadside vendors shall be removed during non-operation hours except those ~~mobile food vehicles~~ roadside vendors that are participating in a reserved event associated at a city park. ~~Mobile food vehicles~~ Roadside vendors are not allowed to remain on public right-of-way during overnight hours unless they are participating in a reserved event associated at a city park.

Sec. 15-66. - Permit, written application required.

- (d) For each individual involved in the peddling, vending or solicitation campaign: full legal name, telephone number, address, birth date, physical description of the stand and/or mobile food vehicle roadside vendor, if any, and either:
 - (1) Driver's license number and state; or
 - (2) Social Security number and an official, government-issued picture identification card.
- (i) Applicants engaged in the sale or distribution of food or beverages must submit a copy of the vendor's current mobile food vendor license or roadside vendor license issued by the Kendall County Sanitarian.

ARTICLE VII. - REGULATION OF FOOD ESTABLISHMENTS

Sec. 15-147. – Definitions

Mobile food park means a parcel of land where one or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary use, accessory use, and/or temporary use.

Mobile food unit is a vehicle mounted food establishment, designed to be readily movable.

Sec. 15-149. – Mobile food units.

- (a) Mobile food unit.
 - 1. Permit Required. All mobile food units must be permitted as a food establishment under Sec. 15-150.
 - 2. Mobility. A mobile food unit must demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee.
 - 3. Access to restroom facilities. Prior to the issuance of a permit, the operator of a mobile food vendor shall submit to the city and comply with the following:

- a. Written proof of availability of restrooms with flushable toilets connected to a public water and wastewater system for the use of the mobile food vendor employees located in a business establishment within 150 feet of each location where the mobile food unit will be in operation for more than one (1) hour in any single day.
4. Private property. Operation locations on private property at which the mobile food unit will remain for more than one hour shall comply with the following:
 - a. Be located in a zoning district that allows mobile food units as a primary use; or
 - b. The private property must be developed and improved, and contain an existing, permanent business operating, in a building with a certificate of occupancy, at all times while the mobile food unit occupies the property. The existing business will allow access to restrooms and an indoor or outdoor seating area.
5. Public property. Mobile food units shall not operate within a public park or publicly owned property or site without written permission from the city manager or the city manager's designee.

(b) Mobile food park.

1. Each mobile food unit within the park shall independently conform with any requirements of this Code including Sec. 15-150. – Permits and Exemptions.
2. A mobile food park must be located in a zoning district that permits them.
3. All activity must occur on private property, outside of the public right of way. Mobile food units and their customers shall be prohibited from utilizing the public

PASSED and APPROVED on first reading this the 10 day of December, 2024.

PASSED, APPROVED, and ADOPTED on second reading this the __ day of January, 2025.

APPROVED:

Mayor

ATTESTED:

City Secretary