

AN ORDINANCE 2012-05-17-0355

RELATED TO THE REGULATION OF FOOD ESTABLISHMENTS WITHIN THE CITY BY AMENDING CHAPTER 13, "FOOD AND FOOD HANDLERS" AND CHAPTER 35 "UNIFIED DEVELOPMENT CODE" OF THE CITY CODE OF SAN ANTONIO, TEXAS, TO ALLOW FOR THE OPERATION OF, AND ESTABLISH A PERMIT AND FEE FOR, MOBILE FOOD COURTS AND AMENDING CHAPTER 13 "FOOD AND FOOD HANDLERS" TO ESTABLISH A SPECIAL CLASSIFICATION, REGULATIONS AND A PERMIT AND FEE FOR INDIVIDUALS THAT SELL AT FARMERS MARKETS, FLEA MARKETS, AND/OR TRADE SHOWS; AND PROVIDING FOR CRIMINAL PENALTIES AND PUBLICATION.

* * * * *

WHEREAS, the Development Services Department and San Antonio Metropolitan Health District (Metro Health) were charged with the responsibility of determining the feasibility of amending the City Code to accommodate mobile food courts city-wide; and

WHEREAS, the Center City Development Office established a task force to consider this item for consideration; and

WHEREAS, the final task force meeting was held on Feb. 13, 2012 during which the task force reached a consensus on the changes to Chapter 13 and 35 of the City Code to facilitate the establishment of mobile food courts; and

WHEREAS, this information was provided to the Economic and Community Development Council Committee on March 6, 2012 followed by a briefing at the Zoning Commission on March 20, 2012 and the City Council Governance Committee on March 21, 2012; and

WHEREAS, the Zoning Commission considered the proposed Chapter 35 amendments on April 3, 2012, and recommended approval of staff's proposed amendments; and

WHEREAS, finally, a presentation was made to the Infrastructure and Growth Committee on April 18, 2012 with an approval to move forward to City Council for consideration and approval; and

WHEREAS, the Development Services Department and Metro Health are proposing changes in Chapters 13 and 35 that would be necessary to accommodate permanent mobile food courts; and

WHEREAS, in addition to the above mentioned changes, Metro Health has also been involved in developing recommendations for changes to Chapter 13 of the City Code in reference to individuals that sell exclusively at farmers markets, flea markets and/or trade shows; and

WHEREAS, therefore, Metro Health is proposing a new annual permit for individuals that sell exclusively at farmers markets, flea markets and trade shows; and

WHEREAS, these recommendations were vetted and approved by the City Council Quality of Life Committee on March 20, 2012; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 13 of the City Code of San Antonio, Texas entitled "Food and Food Handlers" and Chapter 35 of the City Code of San Antonio, Texas entitled "Unified Development Code" are hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 13 of the City Code of San Antonio, Texas is hereby amended as follows:

The following definitions in Chapter 13, Article I., In General, Section 13.3, Definitions, are amended to include the revision and addition of the following definitions, as follows:

Farmers market shall mean a location certified by the Texas Department of Agriculture or the Texas Certified Farmer's Market Association used primarily for the distribution and sale of raw agricultural products grown by farmers or for the distribution and sale of custom processed agricultural products made by agricultural producers from their agricultural products which are sold directly to consumers and such products meet all applicable federal, state, and local health laws regulating their manufacture and sale.

Farmers market/flea market/trade show food establishment shall mean a food establishment which is operated only at a farmers market and/or a flea market and/or a trade show and where only a sample of the food or foods is provided to the consumer.

Flea market shall mean a location either indoors or outdoors with or without structures in compliance with all building, zoning and other requirements of the City where persons including farmers sell a variety of goods which may include whole uncut fresh fruits and vegetables and prepackaged food products directly to consumers.

Mobile food court shall mean property where multiple mobile food establishments are allowed to operate pursuant to rules set out in this chapter and consistent with Chapter 35 of the City Code.

Sample shall mean a food product promotion where only a bite-sized portion of food is offered free of charge to demonstrate its characteristics and shall not consist of a whole meal, an individual portion, or a whole sandwich.

Trade show shall mean an exhibition organized so that individuals and companies in a specific industry can showcase and demonstrate their latest products and/or services.

Food establishment shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

- (1) Such as a restaurant; retail food store; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
- (2) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

Food establishment includes:

- (1) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and
- (2) An operation that is conducted afloat, in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

...

Chapter 13, Article II., Permits Generally, Section 13-27, Fees enumerated, is amended to add subsection (i) as follows:

Section 13-27. - Fees enumerated.

...

- (i) An annual fee of seventy five dollars (\$75.00) shall be charged for a farmers market/flea market/trade show food establishment permit. Persons not requiring an annual permit may opt to obtain a temporary food establishment permit for special events.

Chapter 13, Article II., Permits Generally, Section 13-28(b), Effect of additional employees on fees, is amended as follows:

Sec. 13-28. - Effect of additional employees on fees.

...

- (b) This section does not apply to school food establishments or farmers market/flea market/trade show food establishments.

Chapter 13, Article III., Food Establishments, Section 13-45, Sanitation requirements for farmers market/flea market/trade show food establishments, is added as follows:

Section 13-45. - Sanitation requirements for farmers market/flea market/trade show food establishments.

- (a) Food may be transported using any mode of transportation that is clean and free of material that may adulterate food products.
- (b) Food items may be displayed on tables as long as there is overhead protection.
- (c) All potentially hazardous foods shall be kept at safe food temperatures as required by the Texas Food Establishment Rules.
- (d) Samples may be offered provided that:
 - (1) The samples are cut and prepared at the location or at a source location that complies with all applicable laws and is licensed or permitted by a state, county or local jurisdiction.
 - (2) Samples of fresh fruits and vegetables are washed in potable water to remove any soil or other materials so that they are wholesome and safe for consumption.
 - (3) Samples of potentially hazardous food are maintained according to safe food temperatures listed in the Texas Food Establishment Rules.
 - (4) Samples are dispensed in a manner that will protect the food item from environmental or human contamination.
 - (5) Samples are stored in approved, clean, sanitized and covered containers.
 - (6) Samples are disposed of no later than four hours after the beginning of the operation, if not served or consumed.
 - (7) A gravity fed handwashing station is provided with potable water, soap, and paper towels.
 - (8) The samples are handled with equipment such as utensils and/or gloves. No bare hand contact of food is permitted.
 - (9) Three pans are provided to properly wash, rinse, and sanitize all utensils.
- (e) A garbage container with a tight fitting lid shall be provided.
- (f) All waste water shall be properly disposed of into a sanitary sewer system.
- (g) Cooking demonstrations conducted as a sampling operation shall comply with the following:

- (1) The requirements of temporary food establishments as set out in Section 13-43 are followed; and
- (2) Only a sample of the food or foods may be provided to the consumer.
- (h) A farmer or egg producer that sells eggs directly to the consumer at a farmers market shall:
 - (1) Label the eggs with the farmer's/producer's name and address and label the eggs as "ungraded";
 - (2) Provide the following statement on the label: **SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly;** and
 - (3) Maintain the eggs at an ambient air temperature of 45 degrees Fahrenheit or less, and prevent eggs from contacting ice or water.

Chapter 13, Article IV., titled Mobile Food Establishments, shall be amended to be titled as follows:

ARTICLE IV. – MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS

Chapter 13, Article IV., Mobile Food Establishments, Section 13-62, Permit requirements, is amended as follows:

Sec. 13-62. - Permit requirements.

- (a) No person shall operate a mobile food court or mobile food establishment or vend food afoot who does not possess a valid, current mobile food court permit or mobile food establishment permit from the director as provided in this article. The permit for a mobile food establishment shall specify the type of food to be vended, the manner in which the food is to be vended, and include a description of any vehicle to be used in the food vending operation.
- (b) A person seeking a mobile food establishment permit from the director shall make application on a form provided by the director, and shall provide all of the information listed in subsections (1)-(10) as part of the application:
 - (1) The name and address of the owner and/or operator;:-
 - (2) A description of the owner and/or operator;:-

- (3) If the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;:-
- (4) The name under which the food vending operation will be operated;:-
- (5) A description of the type of food or the specific foods to be vended; as for example prepackaged peanuts, prepackaged candy, prepackaged food not potentially hazardous and nonperishable food, nonprepackaged food, produce, etc.;
- (6) The manner of mobile food vending operation to be conducted; as for example foot vending, truck, trailer, pushcart, etc.;
- (7) A description of any vehicle to be used in the mobile food vending operation along with the license or registration and vehicle identification number of any vehicle licensed or registered with the state;:-
- (8) The address and food establishment permit number of the commissary required by this article;:-
- (9) Any other information reasonably required by the director; and
- (10) If the person seeking a mobile food establishment permit from the director vends on a public street, sidewalk or right-of-way, or travels with the person's mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the person vends, then the person shall provide as part of the application to the director a written statement from the city police department certifying that the person seeking a mobile food establishment's permit is not a sex offender registered with the state department of public safety and that the records reviewed by the city police department indicate that the person seeking a mobile food establishment permit has not been convicted of any sexual offense or any offense against a child as defined by applicable law. The basic requirements for submitting requests for criminal backgrounding of persons engaged in mobile food vending are specific in exhibit 1 hereto on file in the office of the city clerk, and hereby adopted and incorporated herein for all purposes by reference.

(c) A person seeking a mobile food court permit from the director shall make application on a form provided by the director, and shall provide all of the information listed in subsections (1)-(5) as part of the application:

- (1) The name and address of the owner and/or operator;
- (2) A description of the owner and/or operator;
- (3) If the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;
- (4) The address and name under which the mobile food court will be operated; and
- (5) Any other information reasonably required by the director.

(de) Upon receiving a proper application for a mobile food court permit or mobile food establishment permit, the director shall make appropriate inspections of the location, food, equipment, vehicles and other reasonable inspections concerned with the mobile food court or mobile food vending operation and shall issue a permit and a sticker only if:

- (1) The application complies with subsection (b) or (c); and
- (2) The inspection reveals compliance with the applicable requirements of all federal and state statutes and regulations, and city ordinances governing the proposed mobile food court or mobile food establishment operation.

(ed) Mobile food court and mobile Mobile food establishment fees shall be as follows:

- (1) The permit for an afoot vendor vending food which is prepackaged, nonperishable, and not potentially hazardous shall be forty-eight dollars (\$48.00) per year. A person vending afoot must have a permit for vending afoot even though he or she also may have a permit for vending from a vehicle.
- (2) The permit fee for a mobile food establishment carrying food which is described as snow cones/shaved ice/raspas, as well as food which is prepackaged, nonperishable and not potentially hazardous shall be sixty-six dollars (\$66.00) per year.
- (3) The permit fee for a mobile food establishment vending prepackaged perishable and potentially hazardous foods or a combination of the above with prepackaged nonperishable and not potentially hazardous foods shall be one hundred dollars (\$100.00) per year.

- (4) The permit fee for a mobile food establishment vending perishable and potentially hazardous foods or nonperishable and not potentially hazardous foods or snow cones/shaved ice/raspas that are prepared on or in the mobile unit or a combination of the above with prepackaged foods shall be two hundred sixty-five dollars (\$265.00) per year.
 - (5) The permit fee for a pushcart mobile food establishment shall be seventy-two dollars (\$72.00) per year.
 - (6) The permit fee for a corn roaster mobile food establishment shall be one hundred fifty dollars (\$150.00) per year.
 - (7) The fee for each written statement from the city police department for persons age seventeen (17) and older as required in subsection 13-62(b)(10) shall be the sum of the fees required to obtain the local, state and national criminal histories for the applicant. There shall be no fee for the written statement for persons under the age of seventeen (17).
 - (8) The director of downtown operations shall establish a fee for a special permit and associate permit for mobile food establishments in the downtown central business district. The permit fee for vending in the downtown business district and associate fee shall be in addition to any other applicable fees set out in this chapter.
 - (9) The permit fee for the operation of a mobile food court shall be two hundred twenty dollars (\$220.00) per year.
- (fe) All funds collected for permits under the provisions of this article shall be deposited in the general fund of the city.
- (gf) The valid sticker shall be displayed by a mobile food establishment:
- (1) Inside the vehicle, used in connection with the mobile food vending operation, at the top of the windshield on the passenger side of the vehicle;
 - (2) On the trailer fender above the tailgate and license plate of an open, flat bed or enclosed trailer used in connection with the mobile food vending operation;
 - (3) At the top right-hand corner on the front of a pushcart, bicycle or tricycle used in connection with the mobile food vending operation; or

- (4) In front of the two-compartment sink of a corn roaster used in connection with the mobile food vending operation.
- (hg) ~~Mobile food court permits and mobile~~ Mobile food establishment and a-foot ~~vendor's~~ permits shall be valid for only one year from the date of issuance unless sooner suspended or revoked.
- (ih) ~~Mobile food court and mobile~~ Mobile food establishment and a-foot ~~vendor's~~ permits shall not be transferred or assigned and shall be considered revoked should the character of the food vending operation be changed from that specified in the permit.
- (ji) Every mobile food establishment ~~and a-foot vendor's~~ permit shall be renewed each year in like manner as the original permit application, except that the written statement from the city police department required under subsection 13-62(b)(10) shall be renewed every two (2) years from the date of issuance by the city police department of such written statement, with a current written statement to be provided to the director by the permit holder every two (2) years at the time the permit holder is seeking permit renewal.
- (kj) The director shall make routine, unannounced inspections of mobile food courts, mobile food establishments, and commissaries when applicable, to determine whether or not the vending operation is being conducted in such a manner as to comply with the conditions of the permit, the provisions of this article, other applicable city ordinances and state and federal statutes, regulations and rules.
- (lk) Samples of food and other substances used in the preparation of food may be taken or retained until examined by the director for the detection of unwholesome and deleterious qualities ~~qualifies~~. The director may condemn and forbid the sale of or cause to be removed or destroyed, any food which is adulterated, tainted, diseased, fermented, decaying or otherwise unwholesome, unclean or deleterious to health. The owner, operator or other person in charge of such food shall immediately and in the presence of the director, destroy such adulterated, tainted, diseased, fermented, decaying or otherwise unwholesome, unclean food as directed by the director.

Chapter 13, Article IV., Mobile Food Establishments, Section 13-63(a), Operation requirements and restrictions, is amended as follows:

Sec. 13-63. - Operation requirements and restrictions.

- (a) Mobile food establishments are subject to the following requirements and restrictions:

...

- (2) It shall be unlawful for the operator of a mobile food establishment as defined in subsections 13-62(2)-(6) to remove the food from the mobile establishment to vend from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required by this chapter; except that mobile food establishments may sell produce from no more than three (3) tables that are six (6) feet long and stand at least eighteen (18) inches above the ground, and that are located adjacent to the permitted mobile food establishment.

...

- (11) It shall be unlawful to operate a mobile food establishment in the downtown business district with the exception of vendors who have obtained a special permit from the city downtown operations department in addition to having all required valid mobile food establishment permit(s). The city manager or her designee shall have authority to establish policies and procedures governing the issuances and regulation of the special permit for mobile food establishments in the downtown business district to include distance requirements from schools and food establishments and access to restroom facilities.

...

Chapter 13, Article IV., Mobile Food Establishments, Section 13-67, Operation requirements and restrictions for mobile food courts, is added as follows:

Sec. 13-67. – Operation requirements and restrictions for mobile food courts.

- (a) Mobile food courts shall comply with the following requirements:
 - (1) The property must meet all commercial zoning requirements;
 - (2) All mobile food establishments situated on the property shall be located on an impermeable surface such as concrete or rolled asphalt;

- (3) All mobile food establishments that remain on the property overnight shall have temporary connections for electricity, potable water and sewage disposal, or a system to adequately provide these services to each mobile food establishment;
- (4) All mobile food establishments that are unable to comply with the requirements of subsection 13-67(a)(3) shall be removed from the property overnight and serviced by an approved commissary prior to its next day of operation; and
- (5) A restroom equipped with flush type toilets and properly plumbed to a sanitary sewage system with sufficient capacity to meet the needs of the mobile food court's mobile food establishments and customers shall be available on the property. Restrooms shall be equipped with hand sinks, hot and cold water and either hand towels or forced air hand dryers.
- (b) Mobile food establishments in compliance with subsection 13-67(a)(3) shall be exempt from subsections 13-64(2), 13-64(4), and 13-64(5).
- (c) Subsections 13-63(a)(9), 13-63(a)(10), 13-63(a)(12), and 13-63(a)(15) shall not apply to mobile food establishments operating in a mobile food court.
- (d) Mobile food establishments which operate exclusively in a mobile food court shall be exempt from the criminal background check requirement as set out within this article.
- (e) Permanent pavilions and similar seating areas for customers may be provided.

Chapter 13, Article VI., Certification of Food Establishment Personnel, Section 13-113(a), Exemption from requirements, is amended as follows:

Sec. 13-113. - Exemption from requirements.

- (a) Certification of food managers will not be required for:
 - ...
 - (4) Farmers market/flea market/trade show food establishments and mobile food establishments;
 - ...

SECTION 3. Chapter 35 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 35, Article III, Section 35-311, Table 311-2 and Table 311-2a are amended as follows:

35-311 Use Regulations

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)

Service	Food, Mobile Food Court (subject to 35-399)					P	P	S	P			S	2550

Table 311-2a
Nonresidential Use Matrix

	PERMITTED USE	Urban		Rural		Farm		Mixed Industrial					
		UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
Service	Food, Mobile Food Court (subject to 35-399)	P	P						P	P		P	P

Chapter 35, Article III, Section 35-358 (b), Table 358-1 is amended as follows:

35-358. “AE-1”, “AE-2”, “AE-3”, and “AE-4” Arts and Entertainment Districts.

(b) Administration.

TABLE 358-1
ARTS AND ENTERTAINMENT SPECIAL ZONING DISTRICTS USE MATRIX

	PERMITTED USE	AE-2			AE-3	AE-4
		AE-1	Corner	Interior		
Service	Food, Mobile Food Court (subject to 35-399)	P	S		P	P

Chapter 35, Article III, Division 7 is amended by adding Section 35-399 as follows:

35-399. Mobile Food Courts

(a) Generally. Where permitted pursuant to Section 35-311, Mobile Food Courts shall comply with the following:

1) Location and Placement

A. Mobile Food Courts shall comply with dimensional standards of 35-310, Table 310-1.

- B. All activity must occur on private property outside of the public right-of-way unless the City of San Antonio has executed a license agreement authorizing such activity.
- C. Each Mobile Food Court shall be located at least 200 feet away from any single-family residential use or single-family zoning district identified in Section 35-303(a) including R-20, NP-15, NP-10, NP-8, R-6, R-5, R-4, and R-3. The 200 foot minimum distance shall be measured from property line to property line.
- D. Vehicular drive-through service of food and/or beverages shall not be permitted except upon a specific use authorization of the City Council for that portion of the property with the drive through.
- E. No more than ten (10) individual mobile food establishment units are permitted per Mobile Food Court site, provided however that additional mobile food establishment units may be permitted by specific use authorization of the City Council.
- F. No mobile food establishment or vending unit, structures associated with the mobile food court use, nor any seating areas shall be located in a required zoning setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane.

2) Site Development Standards

- A. The provisions of Article V shall apply to Mobile Food Courts.
- B. The placement of the mobile food establishment unit shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- C. A minimum twenty (20) foot wide fire apparatus access route shall be provided around the periphery of any mobile food court.
- D. Mobile Food Courts shall require an all weather surface as defined in Section 35-A101.
- E. Mobile Food Courts shall provide parking in accordance with 35-526, Table 526-3b. Occupation of any parking spaces by a mobile food establishment unit shall not reduce any required parking spaces for the principal use on a lot.
- F. Electrical service may be provided by a permitted temporary electrical connection (or other permitted connection provided by an electric utility) or on-board generators.
- G. Permanent restroom facilities shall be provided in accordance with Section 403.1 of the 2012 International Plumbing Code and any subsequent amendments to said Code, as applicable.

3) Performance Standards

- A. The visual and structural integrity of the mobile food establishment unit must be maintained continuously.
- B. No outside sound amplifying equipment, or noisemakers, such as bells, horns, or whistles shall be permitted except where City Council has approved a specific use authorization for live entertainment and such outside sound is limited to those activities described in the definition of live entertainment in Section 35-A101.

- C. Lighting shall comply with Section 35-392, and if applicable the Military Lighting Overlay District requirements.
- D. All signage shall comply with Chapter 28, Signs and Billboards. Signage for each mobile food establishment shall be affixed only to the unit. The following sign types are prohibited:
 - 1. Freestanding signs with the exception of one single-tenant sign per street frontage to identify the name of the Mobile Food Court and one incidental sign per driveway where the sign complies with Section 28-241(e)(6)
 - 2. Temporary signs
 - 3. Off-premises signs
 - 4. Digital display signs
- E. Maximum permitted noise levels shall be in accordance with Chapter 21 of the City Code.

The provisions of subsection (a) shall not apply to mobile food courts established in the "ED" entertainment district operated or managed or otherwise maintained by an amusement park.

- (b) **Lot Requirements.** A mobile food court shall be platted in accordance with the subdivision procedures of Article 4 of this Chapter.
- (c) **License and permit requirements.** All plans for site work, installation, construction, utility connection, signs and operation must be approved by Development Services and other Departments as applicable, including but not limited to the Office of Historic Preservation, Health, Fire and Public Works. The requirements of any special zoning district, including overlay districts, shall supersede the requirements of this section.

Chapter 35, Article V, Section 35-526 (b), Table 526-3b is amended as follows:

35-526 Parking & Loading Standards

(b) Table of Off-Street Parking Requirements

**TABLE 526-3b
Parking in Nonresidential Use Districts**

	<i>PERMITTED USE</i>	<i>Minimum Vehicle Spaces</i>	<i>Maximum Vehicle Spaces</i>
SERVICE	Food, Mobile Food Court	2 per mobile food establishment unit	5 per mobile food establishment unit

Chapter 35, APPENDIX A, is amended as follows:

35-A101. Definitions and Rules of Interpretation.

(b) Definitions. Words with specific defined meanings are as follows:

Commissary. An establishment, licensed pursuant to Chapter 13 of the City Code, in which food, food containers or food supplies are stored, kept, handled, prepared, or packaged for use by mobile food establishments.

* * * *

Food, Mobile Food Establishment. A “Mobile Food Establishment” is a business that serves food or beverages from a self contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term “Mobile Food Establishment” shall not include individual nonmotorized vending carts or motorized mobile ice cream/frozen dessert vendors.

Food, Mobile Food Court. A “Mobile Food Court” is a parcel or group of parcels of land where three or more mobile food establishments 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 establishment as a secondary and/or accessory use of the land.

Mobile Food Vending, Base of Operation. The location where a mobile food vending vehicle originates, and is returned for cleaning, storing or stocking. Food preparation for catering is permitted. A mobile food vending base of operation shall not include activities associated with the “Food, Mobile Food Court” as defined in this section.

~~**Mobile food vending.** A food service establishment mounted on a vehicle; for purposes of this definition a vehicle shall mean every device in, upon, or by which any food is or may be transported, pushed or drawn.~~

SECTION 4. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 236000000012 and General Ledger 4404189.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 6. All other provisions of Chapter 13 and 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 7. Violations occurring after the effective date of this ordinance shall be punished as provided in the revised Chapter 13 and Chapter 35 of the City Code of San Antonio. Violations prior to the effective date shall be punished under the former applicable Sections which shall remain in effect for that purpose.

SECTION 8. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 9. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

SECTION 10. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 11. This ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

SECTION 12. Penalties provided for in the revised Chapter 13 and Chapter 35 of the City Code of San Antonio shall be effective five days after publication by the City Clerk.

PASSED AND APPROVED this 17th day of May, 2012.



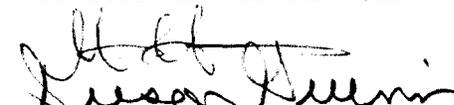
M A Y O R
Julián Castro

ATTEST:

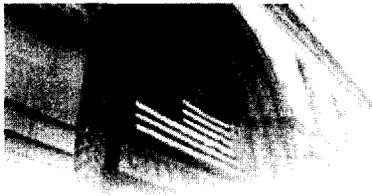


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Michael Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 9

Name:	5, 6A, 6B, 8A, 8B, 9, 12A, 12B, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25A, 25B						
Date:	05/17/2012						
Time:	10:47:57 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance related to the regulation of food establishments within the city by amending Chapter 13, "Food and Food Handlers" and Chapter 35 "Unified Development Code" of the City Code of San Antonio, Texas, to allow for the operation of, and establish a permit and fee for mobile food courts, and amending Chapter 13 "Food and Food Handlers" to establish a special classification, regulations and a permit and fee for individuals that sell at farmers markets, flea markets, and/or trade shows; and providing for criminal penalties and publication. [David Ellison, Assistant City Manager; Roderick Sanchez, Director, Development Services; Dr. Thomas L. Schlenker, Director, Metro Health]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				x
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x			x	
Carlton Soules	District 10		x				